



Disadvantaged Business Enterprise Forms For Federally Funded Contracts

*Presentation will follow a federal-aid project from
implementation agreement to contract completion.*

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Forms Used in Sequence 

| | | | |
|---|---|--|---|
| Implementation & Annual Submittal 9-A, 9-B & 9-C | Preliminary Engineering Right of Way Construction Engineering <ul style="list-style-type: none"> • Contract Goal: 9-D • Contract Language: 10-R • Notice to Proposers: 10-1 | Award & After <ul style="list-style-type: none"> • DBE Commitment: 10-01, 10-02, 15-H, 9-E • A&E Task Order: 10-G • DBE Running Tally: 9-F | Close-out • DBE Utilization 17-F, 17-F1 & 17-0 |
| | Construction <ul style="list-style-type: none"> • Contract Goal: 9-D • Contract Language: 12-G • Sample Bid 12-H | DBE Commitment: 15-D, 15-G, 15-H, 9-E DBE Trucking: 16-Z1 DBE Running Tally: 9-F | |

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Implementation Agreement & Annual Submittal Forms 

- For a local agency to receive federal financial assistance through Caltrans, the local agency must first sign the California Department of Transportation Disadvantaged Business Enterprise Implementation Agreement ([Exhibit 9-A](#)).
- Then, annually, by June 30 of each year for the following Federal Fiscal Year (FFY):
 - DBE Annual Submittal Form ([Exhibit 9-B](#))
 - Americans with Disabilities Act Form ([Exhibit 9-C](#))

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Slide 2

ST1 This slide is somewhat confusing because it has so much on it.
Might be helpful to separate the types of contracts or make their names bold to differentiate the information.

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Support Phase Consultant Contracts 

| | |
|---|---|
| <p>Preliminary Engineering</p> <ul style="list-style-type: none"> • Environmental, Design <p>Right of Way</p> <ul style="list-style-type: none"> • Acquisition, Surveying | <p>Construction Engineering</p> <ul style="list-style-type: none"> • Develop Contract Goal: 9-D <p>Notice to Proposers: 10-I</p> <ul style="list-style-type: none"> • Local Agency determines <p>Contract Language: 10-R</p> |
|---|---|

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Consultant Contract Awards 

Consultant Proposal DBE Commitment: *Was there a Goal? Was it Met?*

- [10-01](#), [10-02](#)
- Good Faith Effort: [15-H](#) & Evaluation [9-E](#)
 – Or see Reconsideration Hearing Sample procedure [9-H](#) (not a fillable form)
- Individual A&E Task Order: [10-G](#)
- DBE Running Tally: [9-F](#)
- DBE Utilization & /Status: [17-F](#), [17-F1](#) & [17-0](#)

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Construction Contracts 

Considering Your Contract Goal:

[9-D](#)

- What NAICS or Work Codes are being utilized in a line item from your estimate?
- What tasks are typically sub-contracted out for your region? Lookup [UCP Database](#) and [New CUCP](#)
- Add Contract Language: [12-G](#)
- Include a Sample Bid in your advertised package [12-H](#)

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Slide 4

ST2 Are the parentheses meant to convey a connection between the two columns of information?

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Slide 5

ST3 Recommend splitting the Award, Manage, and Close phases for clarity.

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Award Construction Contract 

Bidders Tabulation Sheet

- Exhibit [15-D](#)

DBE Commitment: *Was there a Goal? Was it Met?*

- Good Faith Effort: all bidders [15-G](#) and [15-H](#), [9-E](#) Evaluation of GFE, Sample procedure for reconsideration hearing [9-H](#)

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Manage Construction Contract 

Disadvantaged Business Enterprise

- DBE Trucking: [16-Z1](#)
- DBE Running Tally and Prompt Payment: [9-F](#)

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Close Construction Contract 

DBE Final Utilization

- First-Tier Subcontractors: Exhibit [17-F](#)
- [17-F1](#)
- Certification Status Change: Exhibit [17-0](#)

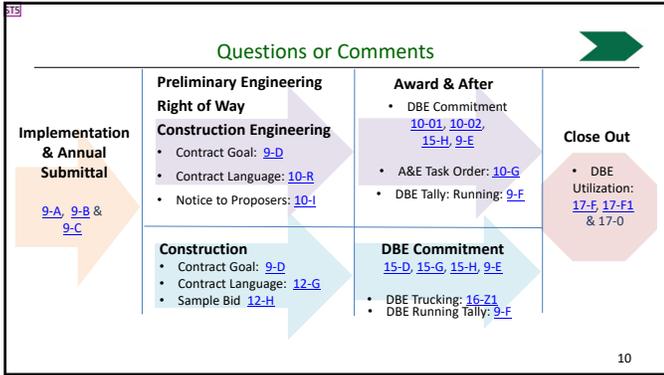
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Slide 7

ST4 Recommend splitting the 3 topics for clarity.

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Recent Findings From Audits

| | | |
|---|---|----------|
| <ul style="list-style-type: none"> • 49 CFR 26 .29(e) Ch. 9.6 | For all projects, include prompt payment clauses .. 9-F will include Prompt Payment verification for LPAS | LAPM |
| <ul style="list-style-type: none"> • 49 CFR 26.53 Ch. 9.8 | For all projects, include administrative remedy language regarding to the termination of DBE. | LAPM Ch. |
| <ul style="list-style-type: none"> • 49 CFR 26.53 (b)(2) Ch. 9.7 | Include in all winning bid documents DBE names and addresses, description of work, dollar amount for each participating DBE, written confirmation from the DBE. | LAPM |

Note: Prevention of DBE violations is preferable to imposing penalties for non-compliance. LAPM Chapter 16, P. 24.

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Thank you for attending: DBE Forms

Presenters:

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Slide 10

ST5 Similar to 2nd slide, very busy - could use different fonts or split up the information for clarity.

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DBE RESOURCES Page 1

Emails:

- OCR Business Support Unit Inbox: Business.Support.Unit@dot.ca.gov
- DLA DBE Inbox (Goals, GFEs & DBE Questions): dbegoal.gfe@dot.ca.gov

Links:

- Caltrans CUCP Database/DBE Search: <https://dot.ca.gov/programs/civil-rights/dbe-search>
- Code of Federal Regulations - 49 CFR Part 26: <https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=c557e0c662d8af4ad52a31b56b5bb2f2&n=49y1.0.1.1.20&r=PART&ty=HTML>
- DLA Email Distribution List (Blog, Policy Updates, Trainings): <http://www.localassistanceblog.com/>
- DLA Forms: <https://dot.ca.gov/programs/local-assistance/forms>
- DBE Program: <https://dot.ca.gov/programs/local-assistance/guidance-and-oversight/disadvantaged-business-enterprise>

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DBE RESOURCES Page 2

- Directory of DBE Certified Firms: <https://dot.ca.gov/programs/civil-rights/dbe-search>
- CA DOT - DBE Program Plan 2016: <https://dot.ca.gov/-/media/dot-media/programs/civil-rights/documents/f0004052-caltransdbeprogramplan-a11y.pdf>
- LAPM: <https://dot.ca.gov/programs/local-assistance/guidelines-and-procedures/local-assistance-procedures-manual-lapm>
- LTAP: <https://californialtap.org/>
- US DOT - Appendix A to Part 26 - Guidance Concerning Good Faith Efforts: <https://www.transportation.gov/osdbu/disadvantaged-business-enterprise/appendix-a-to-part-26-guidance-concerning-good-faith-efforts>
- US DOT FHWA - Evaluating Good Faith Efforts: <https://www.fhwa.dot.gov/federal-aidessentials/catmod.cfm?id=85>

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