

Consultant Advisory

2010-4

October 1, 2010

MDOT, CSD, Consultant
Contracts Section
P.O. Box 30050
Lansing, MI 48909
Fax/517-355-7446
www.michigan.gov/mdot

Questions regarding this
Consultant Advisory
should be directed to:

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Disadvantaged Business Enterprise Guidelines for Consultant Contracts

Attached, and effective immediately, are the Disadvantaged Business Enterprise (DBE) Guidelines for consultant service contracts. These guidelines define and document the requirements for meeting contract specific DBE goals, applying for a Good Faith Effort (GFE) modification or waiver prior to contract/authorization award as well as subsequent to contract/authorization award, as well as provide required forms for submittal to MDOT, for those consultants obtaining a contract with a DBE goal. It is required that if the DBE goal, as identified in the Request for Proposal, is not met at any time during the life of the contract, that a DBE modification or waiver request be submitted. DBE's must perform a commercially useful function as required by 49 CFR part 26.55.

Your company will be determined ineligible for award of a contract unless it either meets or exceeds the DBE goal for that contract, or receives an approved GFE modification or waiver from MDOT.

Summary of New/Additional Requirements for Consultants

- After a consultant has been selected, and negotiations with MDOT have been completed, MDOT form 0182, Disadvantaged Business Enterprise (DBE) Participation, must be completed and submitted with the price derivations to the MDOT Project Manager for submittal to Contract Services Division.
- Consultants seeking consideration of a pre-award or post-award modification or waiver of a DBE participation contract goal must submit the required information with supporting documentation on MDOT form 0180, Vendor Good Faith Effort Application.
- Consultants needing to replace a DBE must complete MDOT form 0196, Request to Replace a Disadvantaged Business Enterprise.
- MDOT is required by federal regulation to track payments made to DBE's. To accomplish this, the consultant is required to submit MDOT form 0165, Prime Vendor/Consultant Statement of DBE Subconsultant Payments with each invoice and within 20 days of receipt of final payment.

These requirements are not intended to be all inclusive. The attached guidelines provide all requirements in detail.

DBE Program for Service Contracts

Service Vendor Consultant Guidance Document

DBE PARTICIPATION ON PROJECTS WITH DBE GOALS

The DBE participation level goal for a service contract will be specified in the Request for Proposal (RFP) used during the selection process. The prime vendor/consultant shall select DBEs to perform, at minimum, work which corresponds in dollar value to the DBE participation goal. DBEs must perform a commercially useful function as required by 49 CFR §26.55 of the Federal Register and by contractual requirements. Commercially Useful Function (CUF) guidelines are included in this document under the heading titled “Substantiating DBE Participation.”

Only DBEs who are currently certified and listed on the web-based Michigan Uniform Certification Program (MUCP) database and on the Contract Services Division (CSD) Prequalification database are eligible for DBE participation credit. Additionally, if prequalification is required, a DBE firm must be both prequalified and DBE-certified in the respective work classification. A MUCP DBE directory is linked to the MDOT Web site at: <http://www.michigan.gov/mucp>.

Names of DBEs and a description of work to be performed by each one to meet DBE participation contract goals shall be submitted in the prime consultant’s proposal, and specified on the Request for Proposal cover sheet form 5100D.

Proposals will be scored in accordance with the Vendor Guidelines. Any potential DBE modification or waiver action will not be taken into consideration during the scoring process. After a consultant has been selected, and has negotiated the cost of the contract with MDOT, it must complete the Disadvantaged Business Enterprise (DBE) Participation form, #0182, and submit it to the contact person identified in the RFP for submittal to CSD and to the Chair of the DBE Good Faith Efforts Committee in the Office of Business Development. After scoring, selection approval and final negotiations, if the most qualified vendor/consultant does not meet the DBE participation goal, the firm must apply for a GFE modification or waiver. An application for consideration of modification or waiver of the DBE goal must be submitted using the *Vendor Good Faith Effort Application (MDOT Form 0180)* (a copy of this form is included in Section 3). The firm will be deemed ineligible for award of the contract unless the firm either meets the goal or receives an approved GFE modification or waiver from MDOT.

The RFP will state if prequalification is required and in which categories. While the prime vendor/consultant must be prequalified in all classifications listed as primary prequalification classifications, the prime vendor/consultant must also be prequalified or have subvendors/subconsultants that cover any required secondary prequalification classifications.

DBEs may provide prequalified or non-prequalified services. The prime must ensure each DBE is DBE-certified, regardless of whether prequalification is required or not. Some non-prequalified work activities, services, or commodities that may be considered include, but are not limited to:

- Safety equipment and clothing vendor
- Strategic public relations, crisis communication programs, graphic design, video and multimedia presentation work, producing newsletters
- Installation of voice, data, or video fiber optics and phone systems; installation of electrical cables, jacks, and wires; providing electrical equipment and supplies; radio, telephone, and other telecommunication equipment; testing/analyzing
- Programmer, installer, or assembler of electronic devices, supplier of electronic communication equipment, bus and rail data control
- Mobile computing, computing hardware, computing software
- Data processing/in-house typing and mailing
- Maintenance and janitorial services
- Specialty trade vendor
- Insurance and bonding
- Proposal writing/development
- Printing and publishing services
- Office supplies, furniture, hardware, tools, equipment

GOOD FAITH EFFORT (GFE) REQUESTS FOR MODIFICATION OR WAIVER OF A CONTRACT'S DBE PARTICIPATION GOAL

The MDOT Good Faith Efforts Committee will evaluate the good faith efforts of the vendor/consultant based on direction provided by 49 CFR, Appendix A to Part 26 - Guidance Concerning Good Faith Efforts (see Section 1 for examples of good faith efforts). Where deemed appropriate and/or required, the concurrence of the U.S. Federal Highway Administration will be sought.

Pre-Award Good Faith Efforts

Pre-award good faith efforts may be defined as efforts made by the prime vendor/consultant to meet the DBE participation goal prior to the award and execution of the contract/authorization.

Prime vendors/consultants asking for consideration of a pre-award or post-award modification or waiver of a DBE participation contract goal must submit information and documentation indicating why the goal should be modified or waived, including evidence of the efforts the vendor/consultant has undertaken to meet the goal.

Good faith efforts may include:

- A. Selecting portions of the work to be performed by DBEs in order to increase the likelihood the goal will be achieved. This includes, where appropriate, breaking work items into economically feasible units to facilitate DBE participation.

Selected DBEs must perform a Commercially Useful Function (CUF) as required by Federal Regulations at 49 CFR §26.55. CUF guidance is included in Section 2 titled “Substantiating DBE Participation.”

- B. Soliciting through all reasonable and available means (e.g. attendance at networking meetings, advertising and/or written notices) the interest of all certified DBEs who have the capability to perform the work of the project. The vendor/consultant must solicit this interest within sufficient time to allow the DBEs to respond to the solicitation. The vendor/consultant must determine with certainty if the DBEs are interested by taking appropriate steps to follow up on initial solicitations.
- C. Providing interested DBEs with adequate information about the service requirements of the contract in a timely manner to assist them in responding to a solicitation.
- D. Negotiating in good faith with interested DBEs using the percentage of work breakdown as specified in the selection guidelines, as appropriate to Brooks Act, low bid, or best value selections. Evidence of such negotiations should include the names, addresses, and telephone numbers of DBEs that were considered; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and evidence as to why additional agreements could not be reached for DBEs to perform the work.
- E. Not rejecting DBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities.
- F. Effectively using the services of available minority/women community organizations; minority/women's groups; local, state and federal minority/women's business assistance offices; and other organizations as allowed, on a case-by-case basis, to provide assistance in the recruitment and placement of DBEs.
- G. Evidence of the firm's record of meeting or exceeding DBE participation contract goals on prior service contracts with MDOT.

This is not intended to be a mandatory checklist, nor is it intended to be exclusive or exhaustive. Other factors or types of efforts may be relevant in appropriate cases.

If the most qualified vendor/consultant has not met the DBE participation goal following price negotiations, the vendor/consultant must submit a *Vendor Good Faith Effort Application (MDOT Form 0180)* with documentation of efforts made to meet the goal. The contract will not be awarded until a determination on the request is made by the MDOT Good Faith Effort Committee as outlined in the DBE Program Procedures. The *Vendor Good Faith Effort Application* package must be submitted to the MDOT Good Faith Effort Committee per instructions on Form 0180 within five (5) calendar days after completion of price negotiations. The MDOT Good Faith Effort Committee will advise the vendor/consultant of its decision by fax and certified mail.

If the MDOT GFE Committee denies the request, the firm will have ten (10) calendar days from the date of the letter documenting MDOT's decision to comply or appeal. The firm will be notified in the GFE denial letter of the appeals process. All Appeals will be heard by the MDOT GFE Appeals Committee. If the firm fails to appeal MDOT's determination within that time period, the vendor will be deemed ineligible for award of the contract and the next most qualified firm will be selected. Appeal requests should follow the procedures outlined in the DBE Program Procedures.

Post-Award Good Faith Efforts

Post-award good faith efforts may be defined as efforts made by the prime vendor/consultant to meet the DBE participating goal after the contract has been awarded and executed, but before the project has been completed, and when an approved DBE has withdrawn its services, when the DBE has been removed for just cause, or when the scope of services has been changed by MDOT.

49 Code of Federal Regulations §26.53 (49 CFR §26.53) provides that prime vendors/consultants may not terminate for convenience an approved DBE working on a federally-assisted contract and then perform the work of the terminated DBE. Failure to comply with regulatory or contractual requirements may result in sanctions.

The MDOT Project Manager, Contract Administrator and the MDOT Office of Business Development must be notified immediately in writing of any DBE's inability to perform any or all of its work, whether by request or at the direction of the prime vendor. The notice must include the reason for the change and the prime vendor's/consultant's intent to obtain a substitute DBE, if necessary, to maintain the DBE participation contract goal requirement. Prime consultants needing to replace a DBE must complete MDOT Form 0196, Request to Replace a Disadvantage Business Enterprise (DBE). Once completed, this form must be submitted to the MDOT Project Manager for approval. The MDOT Project Manager will then submit the form to CSD for a final review and initiation of any contract amendments. The replacement DBE cannot perform work on the contract until its' work eligibility has been confirmed and any required subcontracts have been approved by the Department. DBEs cannot be changed or replaced by non-DBEs without both:

1. Just cause (such as the DBE being unable or unwilling to perform, or for poor performance), not for convenience.

-and-

2. Prior approval by the MDOT Project Manager and the Office of Business Development.

The DBE percentage should be maintained throughout the life of the project. If services are modified the DBE percentage should be increased or decreased accordingly. If services which are subcontracted to DBEs are decreased or completely deleted by MDOT, the prime should consider subcontracting other work to DBEs to meet the DBE participation contract goal. Efforts to meet the DBE participation goal, when subcontracting possibilities remain, should be documented and documentation should be provided to the Project Manager, Contract Administrator and the Office of Business Development. Once the substitution is approved, the Contract Administrator will have the appropriate MDOT tracking system adjusted to reflect changes to the DBE participation goal.

In all cases other than that described in the paragraph directly above, requests for a post-award modification or waiver of the DBE participation contract goal must be made by submitting a *Vendor Good Faith Effort Application* (MDOT Form 0180). The application package should contain documentation of efforts made to meet the DBE participation contract goal, including proof that on the date the vendor became aware the DBE goal would not be met, the amount of contract work remaining was carefully reviewed to identify other work which could be subcontracted to DBEs. Simply submitting the documentation in the format specified and following the necessary steps does not guarantee that a waiver or modification will be approved. MDOT must be convinced that the vendor/consultant put forth every good faith effort in seeking firms for subcontracting in order to meet the DBE participation contract goal.

- If the MDOT GFE Committee determines the vendor/consultant has demonstrated a sufficient good faith effort to achieve the DBE participation contract goal, MDOT will modify or waive the goal as requested. MDOT will notify the vendor/consultant by fax and certified mail within twenty (20) calendar days of receipt of the request.
- If the MDOT GFE Committee denies the request MDOT will notify the vendor/consultant by fax and certified mail within twenty (20) calendar days of receipt of the request.

If the proposed modification or waiver is approved, CSD will have the appropriate MDOT tracking system adjusted to reflect changes to the DBE participation goal.

MDOT will not accept requests for a post-award modification or waiver of the DBE participation contract goal when a project has been completed (all work items have been

done). Post Award Modification requests must be submitted within 5 calendar days of the Vendor becoming aware of the DBE goal shortfall.

Good Faith Efforts Appeals Panel

A vendor/consultant receiving an adverse determination related to their request for waiver or modification of the DBE participation contract goal may appeal the determination. Written appeals must be submitted to MDOT's Office of Business Development within fourteen (14) calendar days of the Good Faith Efforts Committee decision and written notification to the vendor/consultant.

The Appeals Panel consists of the following administrators (or their designee):

- Director, Bureau of Finance and Administration, Chair
- Director, Highway Development, Bureau of Highways
- Commission Auditor
- Assistant Attorney General in Charge
- Director of the Bureau/Office responsible for the primary work of the contract (i.e., Transportation Planning, Aeronautics & Freight Services, Office of Passenger Transportation, or Highway Delivery)
- Director, Office of Business Development

The Appeal Panel will review all information and documentation reviewed by the GFE Committee, and any other information provided by the vendor/consultant in their appeal to the panel.

The Appeal Panel's determination will be provided by fax, email and/or certified mail to the vendor/consultant within fifteen (15) calendar days of receipt of the appeal. The determination of the Appeals Panel is administratively final.

MDOT reserves the right to modify any requirement or shorten any time period where the need to place the service under contract is such that the public interest warrants such action and would be impaired by further delay. If MDOT waives any of these requirements, except the length of a time period, it will assure that no vendor/consultant is given a material competitive advantage by these actions.

SUBSTANTIATING DBE PARTICIPATION

Federal Regulations at 49CFR § 26.55:

- (a) When a DBE participates in a contract, count only the value of the work actually performed by the DBE toward DBE goals.
 - (1) Count the entire amount of that portion of a (service) contract (or other contract not covered by paragraph (a)(2) of this section) that is performed by the DBE's own forces. Include the cost of supplies and materials obtained by the DBE for the work of the contract, including supplies purchased or equipment leased by the DBE (except supplies and equipment the DBE subconsultant purchases or leases from the prime contractor or its affiliate).
 - (2) Count the entire amount of fees or commissions charged by a DBE firm for providing a bona fide service, such as professional, technical, consultant, or managerial services, or for providing bonds or insurance specifically required for the performance of a DOT-assisted contract, toward DBE goals, provided you determine the fee to be reasonable and not excessive as compared with fees customarily allowed for similar services.
 - (3) When a DBE subcontracts part of the work of its contract to another firm, the value of the subcontracted work may be counted toward DBE goals only if the DBE's subconsultant is itself a DBE. Work that a DBE subcontracts to a non-DBE firm does not count toward DBE goals.
- (b) When a DBE performs as a participant in a joint venture, count a portion of the total dollar value of the contract equal to the distinct, clearly defined portion of the work of the contract that the DBE performs with its own forces toward DBE goals.
- (c) Count expenditures to a DBE contractor toward DBE goals only if the DBE is performing a commercially useful function on that contract.
 - (1) A DBE performs a commercially useful function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. To perform a commercially useful function, the DBE must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material, and installing (where applicable) and paying for the material itself. To determine whether a DBE is performing a commercially useful function, you must evaluate the amount of work subcontracted, industry practices, whether the amount the firm is to be paid under the contract is

commensurate with the work it is actually performing and the DBE credit claimed for its performance of the work, and other relevant factors.

- (2) A DBE does not perform a commercially useful function 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. In determining whether a DBE is such an extra participant, you must examine similar transactions, particularly those in which DBEs do not participate.
- (3) If a DBE does not perform or exercise responsibility for at least 30 percent¹ of the total cost of its contract with its own work force, or the DBE subcontracts a greater portion of the work of a contract than would be expected on the basis of normal industry practice for the type of work involved, you must presume that it is not performing a commercially useful function.
- (4) When a DBE is presumed not to be performing a commercially useful function as provided in paragraph (c)(3) of this section, the DBE may present evidence to rebut this presumption. You may determine that the firm is performing a commercially useful function given the type of work involved and normal industry practices.
- (5) Your decisions on commercially useful function matters are subject to review by the concerned operating administration, but are not administratively appealable to DOT.

DBE PAYMENT REPORTING

MDOT is required by federal regulation to track payments made to DBEs. To accomplish this mandate, the prime vendor/consultant is required to submit a Prime Vendor/Consultant Statement of DBE Subconsultant Payments (MDOT Form 0165, see Section 3) with each invoice and within 20 days of receipt of final payment.

Failure to fulfill the DBE participation contract goal requirement may result in MDOT exercising the rights and remedies available in accordance with the provisions of the contract and may be considered a breach of contract. Actions against the prime vendor/consultant may include suspension or removal of the firm's prequalification or action on other contracts the vendor has with MDOT.

Any failure to meet the goal because of contract modifications made by MDOT will be reviewed on a case-by-case basis.

¹ MDOT allows prime vendors to subcontract up to 60% of the contract. Prime vendors must perform a minimum of 40% of the contract work. Subconsultants can not sub-subcontract more than 50% of their work. DBE Subconsultant work that is sub-subcontracted to non-DBEs cannot be counted toward DBE goals.

Impact to the DBE Participation Program and to the DBE Firm:

The impact of the current method of determining the DBE participation, in the scenario where a DBE firm has non-DBE subconsultants, is it artificially inflates the percentage of DBE participation. In some instances, such as in the illustration above, the difference could be 'not meeting the goal' versus 'meeting the goal'. The current method inadvertently circumvents the program's intent.

For the DBE firm, a distorted gross revenue picture is created in the eyes of MDOT and other agencies tracking the revenues. These numbers would appear inflated to these agencies.

Prime Consultant Statement of DBE Sub-Consultant Payments

Information required in accordance with 49 CFR §26.37 to monitor progress of the prime consultant in meeting contractual obligations to DBEs.

PRIME CONSULTANT:	CHECK IF PRIME IS MDOT-DBE CERTIFIED	AUTHORIZATION NO.	CONTRACT NO.
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BILLING PERIOD:	Check if Final Payment	JOB NO.
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CERTIFIED DBE SUBCONSULTANT	SERVICES WORK PERFORMED	TOTAL CONTRACT AMOUNT	CUMULATIVE DOLLAR VALUE OF SERVICES COMPLETED	DEDUCTIONS	ACTUAL AMOUNT PAID TO DATE	ACTUAL AMOUNT PAID DURING THIS REPORTING PERIOD	DBE AUTHORIZED SIGNATURE (Final Payment Report Only)	DATE

As the authorized representative of the above prime consultant, I state that, to the best of my knowledge, this information is true and accurate.

PRIME CONSULTANT'S AUTHORIZED REPRESENTATIVE (SIGNATURE)	TITLE	DATE/MDO
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FOR MDOT USE ONLY

COMMENTS:

MDOT PAYMENT ANALYST (SIGNATURE)	DATE
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SPECIAL NOTE: "Prime Consultant or Authorized Representative" refers to recipients of federal funds as defined at 49 Code of Federal Regulations Part 26.

INSTRUCTIONS

PRIME CONSULTANT OR AUTHORIZED REPRESENTATIVE:

This statement reports the actual dollar amounts of the project cost earned by and paid to DBE subconsultants. Complete and submit to the Payment Analyst with each billing and within 20 days of receipt of final payment. Some forms may be blank if no payment was made since the previous billing.

For "Contract No., Authorization No.," and "Job No." as appropriate, use the numbers assigned by MDOT.

For "Period Covered," report the calendar days covered by the billing.

For "Services Work Performed" report the main service performed by the subconsultant during the reporting period.

For "Total Contract Amount" report the total amount of the contract between the prime consultant and the subconsultant.

For "Cumulative Dollar Value of Services Completed" report the total amount the subconsultant has earned since beginning this project.

For "Deductions," report deductions made by the prime consultant to the subconsultant's "Cumulative Dollar Value of Services Completed" for retainage, bond or other fees, materials, services or equipment provided to the subconsultant according to mutual, prior agreement (documentation of such agreement may be required by MDOT).

For "Actual Amount Paid to Date," report cumulative actual payments made to the subconsultant for services completed.

For "Actual Amount Paid During this Reporting Period" report actual payments made to the subcontractor for services during this reporting period.

Provide "DBE Authorized Signature" for final payment only.

Be sure to sign, title and date this statement.

MDOT PAYMENT ANALYST:

Complete "Comments" if necessary, sign, date and forward to the Office of Business Development within seven (7) days of receipt.

MDOT Office of Business Development
P.O. Box 30050
Lansing, Michigan 48909
Questions about this form? call Toll-free, 1-866-DBE-1264

SERVICE CONSULTANT GOOD FAITH EFFORT APPLICATION

This application is for consideration of a waiver or modification of the DBE contract goal **assigned to service consultant contracts**. All supporting documentation and evidence of good faith efforts must be clearly labeled and submitted with this application, as specified below. Without such information, the application will be deemed incomplete and not viable for further processing. The Department reserves the right to discuss the contents of the application with the applicant.

PART A - APPLICANT INFORMATION

APPLICANT NAME

ADDRESS		CITY	STATE	ZIP CODE
PHONE NO.	FAX NO.	E-MAIL ADDRESS		
CONTACT PERSON		TITLE		

PART B - PROJECT DESCRIPTION

AWARD DATE	CONTRACT NUMBER
JOB NO.	AUTHORIZATION NUMBER
ANTICIPATED STARTING DATE	ANTICIPATED COMPLETION DATE

PART C - WAIVER OR MODIFICATION REQUEST INFORMATION

DESIGNATED DBE GOAL _____%	VS.	REQUESTED DBE GOAL _____%	TYPE OF REQUESTS (Check one only) RFP Pre-Award Proposal Submitted Post-award
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Provide a complete and detailed narrative explanation of the relevant facts that MDOT should consider in making a determination on the waiver or modification request. Include the type of efforts the applicant has undertaken to meet the project goal. **Evidence and documentation in support of the request and efforts must be attached.** (Use and attach additional sheets(s), if necessary.)

PART D - PROJECT SUMMARY AMOUNTS

TOTAL PRIME AMOUNT	TOTAL NON-DBE SUBCONTRACTING AMOUNT
TOTAL DBE SUBCONTRACT AMOUNT AT REDUCED AMOUNT	TOTAL CONTRACT AMOUNT (Total of the above amounts)
TOTAL DBE PARTICIPATION REMAINING	

DISADVANTAGED BUSINESS ENTERPRISE (DBE) PARTICIPATION

The DBE participation contract goal is specified in the Request for Proposal (RFP). DBE participation forms must be submitted to the individual specified in the RFP after final contract negotiation. The prime vendor/consultant shall select DBEs to perform, at minimum, work which corresponds in dollar value to the DBE participation goal. DBEs must perform a commercially useful function as required by 49 CFR §26.55 of the Federal Register and by contractual requirements.

AUTHORIZATION NO.
CONTRACT NO.
PRIME CONSULTANT
PRIME EMAIL ADDRESS
PRIME PHONE NO.
PRIME CONTACT PERSON

1. Prime consultant proposed dollar value: \$ _____
2. Proposed DBE dollar and percentage participation vs. the goal specified in the proposal:

DBE PARTICIPATION GOAL % = \$	PRIME CONSULTANT PROPOSED DBE PARTICIPATION % = \$
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If the consultant is unable to achieve DBE participation totaling, at minimum, the amount required by the contract, the consultant must state their intent to apply for a Good Faith Effort (GFE) modification or waiver of the DBE participation goal. If neither the form nor the statement is provided, the proposal will be considered non-responsive and not eligible for contract award.

NOTE: DBEs may provide prequalified or non-prequalified services. Only DBEs who are currently certified and listed on the web-based Michigan Uniform Certification Program (MUCP) database are eligible for DBE participation credit: **A MUCP directly is linked to the MDOT Web site at <http://www.michigan.gov/mdotdbe>. Under "Directories," select the "Search MUCP DBE Directory for all certified DBEs in Michigan" link.**

If prequalification is required, credit may be given only for firms who are both prequalified and DBE-certified in the applicable work type(s). Supply purchase orders may count DBE participation credits as follows: Manufacturer = 100%; Regular Dealer = 60%; Supply Broker = Brokerage fee/commission.

List the DBEs for this project. Include their address and the dollar value of the proposed subcontract or purchase order. Detailed information shall be provided on the following pages, which are to be signed by an authorized agent for each DBE and the prime consultant.

DBE NAME	ADDRESS	DOLLAR AMOUNT

Federal regulations at 49 CFR §26.53 provide that work committed to DBEs may not be performed by others without prior consent by the Department. Failure to utilize and promptly pay DBEs named on these participation sheets without prior approval as outlined in 49 CFR §26.55 may result in sanctions.

FOR MDOT INTERNAL USE ONLY			
RESPONSIBLE BUREAU/DIVISION/GRANTEE			
FEDERAL %:	FEDERAL FUND TYPE:	FAA	FHWA FTA
PROJECT MANAGER	CONTRACTOR ADMINISTRATOR		

CHECK ONE OF THE FOLLOWING BOXES TO DESCRIBE THE PRIMARY TYPE OF WORK OR SERVICE THIS DBE WILL PROVIDE:

Subcontract

Supply - Regular Dealer

Supply - Manufacturer

Supply - Broker

AUTHORIZATION NO.

CONTRACT NO.

PRIME CONSULTANT

DBE Suppliers must list supplies/materials to be provided, including cost to be charged for each supply/material. (Attach a separate sheet if necessary). This cost must include the delivery charge for regular dealers. The total cost (material plus delivery) is then multiplied by 60% for regular dealers.

CONTACT PERSON NAME

FIRM NAME

ADDRESS

CITY

STATE

ZIP CODE

PHONE NO.

EMAIL ADDRESS

FULLY DESCRIBE THE TYPE OF WORK, SUPPLY, OR SERVICE THIS DBE WILL PROVIDE

IF PREQUALIFICATION IS REQUIRED, NAME THE PREQUALIFICATION WORK CLASSIFICATIONS THE DBE WILL PERFORM

DOLLAR AMOUNT OF SUBCONTRACT OR PURCHASE ORDER

IF THIS FIRM IS ACTING AS A REGULAR DEALER, 60% OF THE SUB-CONTRACT OR PURCHASE ORDER VALUE

ACKNOWLEDGED BY:

By signing this commitment, we certify that the DBE firm is MDOT-certified as a DBE, and, if prequalification is required, prequalified in the types of work to be performed.

DBE AUTHORIZED SIGNATURE

TITLE

DATE

PRIME CONTRACTOR AUTHORIZED SIGNATURE

TITLE

DATE

REQUEST FOR PROPOSAL COVER SHEET

PROJECT INFORMATION:

MDOT PROJECT MANAGER:	JOB NUMBER (JN):	CONTROL SECTION (CS):
RFP DUE DATE:	DBE % GOAL (If applicable):	MDOT REQUISITION NUMBER:

DESCRIPTION OF WORK:

PRIME CONSULTANT INFORMATION:

PRIME FIRM NAME:

ADDRESS:

CITY:	STATE:	ZIP CODE:
PHONE NO.:	FAX NO.:	
CONTACT PERSON:	EMAIL:	

INDIVIDUAL OR SOLE PROPRIETORSHIP CORPORATION PARTNERSHIP

LICENSED TO OPERATE IN THE STATE OF MICHIGAN? <input type="checkbox"/> YES <input type="checkbox"/> NO	CERTIFIED AS A DBE IN MICHIGAN? <input type="checkbox"/> YES <input type="checkbox"/> NO	DBE % OF SERVICE GOAL
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LIST APPLICABLE SERVICE PREQUALIFICATIONS AS LISTED IN RFP, (P) PRIMARY OR (S) SECONDARY, AND (DBE) IF DBE CERTIFIED:

eg. Roads and Streets (P)(DBE)	

SUBCONSULTANT INFORMATION:

SUBCONSULTANT FIRM NAME:

ADDRESS:

CITY:	STATE:	ZIP CODE:
PHONE NO.:	FAX NO.:	
CONTACT PERSON:	EMAIL:	

INDIVIDUAL OR SOLE PROPRIETORSHIP CORPORATION PARTNERSHIP

LICENSED TO OPERATE IN THE STATE OF MICHIGAN? <input type="checkbox"/> YES <input type="checkbox"/> NO	CERTIFIED AS A DBE IN MICHIGAN? <input type="checkbox"/> YES <input type="checkbox"/> NO	DBE % OF SERVICE GOAL
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LIST APPLICABLE SERVICE PREQUALIFICATIONS AND (DBE) IF DBE CERTIFIED:

SUBCONSULTANT INFORMATION:

SUBCONSULTANT FIRM NAME:

ADDRESS:

CITY:	STATE:	ZIP CODE:
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PHONE NO.:	FAX NO.:
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CONTACT PERSON:	EMAIL:
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INDIVIDUAL OR SOLE PROPRIETORSHIP
 CORPORATION
 PARTNERSHIP

LICENSED TO OPERATE IN THE STATE OF MICHIGAN? <input type="checkbox"/> YES <input type="checkbox"/> NO	CERTIFIED AS A DBE IN MICHIGAN? <input type="checkbox"/> YES <input type="checkbox"/> NO	DBE % OF SERVICE GOAL
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LIST APPLICABLE SERVICE PREQUALIFICATIONS AND (DBE) IF DBE CERTIFIED:

SUBCONSULTANT INFORMATION:

SUBCONSULTANT FIRM NAME:

ADDRESS:

CITY:	STATE:	ZIP CODE:
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PHONE NO.:	FAX NO.:
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CONTACT PERSON:	EMAIL:
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INDIVIDUAL OR SOLE PROPRIETORSHIP
 CORPORATION
 PARTNERSHIP

LICENSED TO OPERATE IN THE STATE OF MICHIGAN? <input type="checkbox"/> YES <input type="checkbox"/> NO	CERTIFIED AS A DBE IN MICHIGAN? <input type="checkbox"/> YES <input type="checkbox"/> NO	DBE % OF SERVICE GOAL
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LIST APPLICABLE SERVICE PREQUALIFICATIONS AND (DBE) IF DBE CERTIFIED:

Michigan Department
of Transportation
0196 (07/10)

REQUEST TO REPLACE A DISADVANTAGED BUSINESS ENTERPRISE (DBE)

49 CFR 26.53 provides that a prime may not terminate for convenience an approved DBE working on a federally-assisted contract. MDOT must be notified immediately of a DBE's inability to perform any or all of its work and the Primes intent to obtain a substitute DBE. Primes are required to make a good faith effort to replace a DBE that is unable to perform, with another DBE. The substitute DBE must be approved by the Project Manager and Contract Services Division prior to starting work.

Once approved, this DBE must be included on the *Prime Contractor/Consultant Statement of DBE Subcontractor Payments, MDOT Form 0165*.

The replacement DBE can not work on the contract until its work eligibility has been confirmed and required subcontracts, supply, trucking commitments, or other services have been approved by the department.

Submit the original, signed copy of this form to the MDOT Project Manager for review, approval and submittal to Contract Services Division. A copy of this form **MUST** be provided at the same time to the MDOT Office of Business Development via fax (517) 335-0945 or Email at MDOT-DBE@michigan.gov

CONTRACT NO./AUTHORIZATION NO.
PRIME CONSULTANT
PRIME EMAIL ADDRESS
PRIME PHONE
PRIME CONTACT PERSON
ADVERTISED DBE GOAL %
MODIFIED DBE GOAL (if applicable) %

DBE FIRM BEING REPLACED	DOLLAR VALUE COMMITTED TO THIS DBE \$	WORK PERFORMED TO DATE \$
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IF THE DBE BEING REPLACED SUBCONTRACTED WITH A LOWER TIER SUB, NAME THE "PARENT" SUBCONTRACTOR:

REASON THIS DBE IS BEING REPLACED:

DBE CONTACT PERSON NAME

REPLACEMENT DBE FIRM NAME

ADDRESS	CITY	STATE	ZIP CODE
PHONE NUMBER	EMAIL ADDRESS		

FULLY DESCRIBE THE TYPE OF WORK, SUPPLY**, OR SERVICE THIS REPLACEMENT DBE WILL PERFORM

DBE credit may be claimed only for types of work in which the DBE firm is both certified and, if required, prequalified. DBE work classification eligibility can be confirmed using the Michigan Unified Certification Program (MUCP) Web site at www.michigan.gov/MUCP, and the MDOT vendor/consultant services website.

DOLLAR AMOUNT OF SUBCONTRACT OR PURCHASE ORDER	IF THIS FIRM IS ACTING AS A SUPPLIER/REGULAR DEALER, 60% OF PURCHASE ORDER VALUE IS
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ACKNOWLEDGED BY

By signing this replacement form, we certify that the DBE firm is MDOT-certified as a DBE, and, if prequalification is required, is prequalified in the types of work to be performed.

DBE AUTHORIZED SIGNATURE	TITLE	DATE
PRIME VENDOR AUTHORIZED SIGNATURE	TITLE	DATE

*DBE Truckers MUST be approved by the MDOT Office of Business Development prior to working on the contract: fax trucking form 4101 to (517) 335-0945.
 ** DBE Suppliers MUST list supplies/materials to be provided, including cost to be charged for each supply/material. (Attach a separate sheet if necessary). Regular dealers: the cost of materials MUST include the delivery charge. This total cost of materials plus delivery is then multiplied by 60% and listed in the appropriate space above.