



## *Florida Department of Transportation*

RICK SCOTT  
GOVERNOR

605 Suwannee Street  
Tallahassee, FL 32399-0450

ANANTH PRASAD  
SECRETARY

### **POLICY**

Effective: July 1, 2011  
Office: Equal Opportunity  
Topic No: 001-275-015-k

## **DISADVANTAGED BUSINESS ENTERPRISE UTILIZATION**

References: Sections 20.23(4)(a), 334.048(3), Florida Statutes  
Sections 337.125, 337.137, 339.0805, Florida Statutes  
Rule Chapter 14-78, Florida Administrative Code  
49 Code of Federal Regulation Part 26  
Disadvantaged Business Enterprise Program Plan

It is the policy of the Florida Department of Transportation that disadvantaged business enterprises, as defined by **49 Code of Federal Regulations Part 26**, shall have an opportunity to participate in the performance of Department contracts in a nondiscriminatory environment.

The objectives of the Disadvantaged Business Enterprise Program are to ensure nondiscrimination in the award and administration of contracts, ensure firms fully meet eligibility standards, help remove barriers to participation, create a level playing field, and assist in the development of a firm so it can compete successfully outside of the program.

The Department, its grant recipients, contractors, consultants, and suppliers shall take all necessary and reasonable steps to ensure that disadvantaged business enterprises have an opportunity to compete for and perform the contract work of the Department in a nondiscriminatory environment.

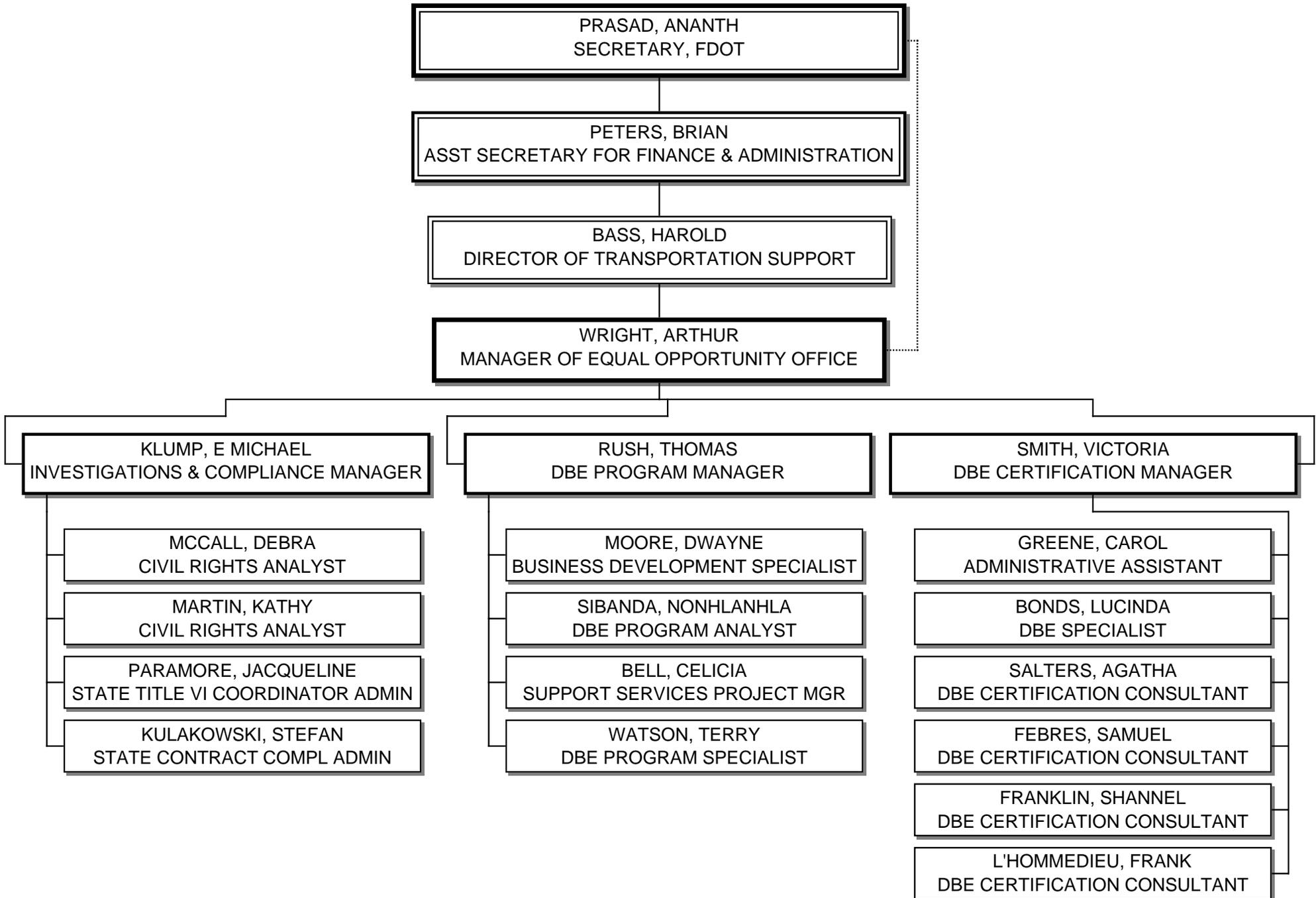
No grant recipient, contractor, consultant, or supplier shall discriminate on the basis of race, color, sex, or national origin in the award and performance of its contracts.

A handwritten signature in black ink, appearing to read "Ananth Prasad".

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Ananth Prasad, P.E.  
Secretary

# EQUAL OPPORTUNITY OFFICE



STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**LOCAL AGENCY PROGRAM AGREEMENT**

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FPN: _____	Fund: _____	FLAIR Approp: _____
Federal No: _____	Org Code: _____	FLAIR Obj: _____
FPN: _____	Fund: _____	FLAIR Approp: _____
Federal No: _____	Org Code: _____	FLAIR Obj: _____
FPN: _____	Fund: _____	FLAIR Approp: _____
Federal No: _____	Org Code: _____	FLAIR Obj: _____
FPN: _____	Fund: _____	FLAIR Approp: _____
Federal No: _____	Org Code: _____	FLAIR Obj: _____
County No: _____	Contract No: _____	Vendor No: _____

Data Universal Number System (DUNS) No: 80-939-7102 Local Agency DUNS No: \_\_\_\_\_  
Catalog of Federal Domestic Assistance (CFDA): 20.205 Highway Planning and Construction

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THIS AGREEMENT, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, an agency of the State of Florida, hereinafter called the Department, and \_\_\_\_\_ hereinafter called the Agency.

WITNESSETH:

WHEREAS, the Agency has the authority to enter into this Agreement and to undertake the project hereinafter described, and the Department has been granted the authority to function adequately in all areas of appropriate jurisdiction including the implementation of an integrated and balanced transportation system and is authorized under Section 339.12, Florida Statutes, to enter into this Agreement;

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations herein, the parties agree as follows:

**1.00 Purpose of Agreement:** The purpose of this Agreement is to provide for the Department's participation in \_\_\_\_\_ and as further described in Exhibit "A" attached hereto and by this reference made a part hereof, hereinafter called the "Project," and to provide Department financial assistance to the Agency and state the terms and conditions upon which such assistance will be provided and the understandings as to the manner in which the Project will be undertaken and completed.

**1.01 Attachments:** Exhibit(s) \_\_\_\_\_ are attached and made a part hereof.

**2.01 General Requirements:** The Agency shall complete the Project as described in Exhibit "A" with all practical dispatch, in a sound, economical, and efficient manner, and in accordance with the provisions herein, and all applicable laws. The Project will be performed in accordance with all applicable Department procedures, guidelines, manuals, standards, and directives as described in the Department's Local Agency Program Manual, which by this reference is made a part hereof as if fully set forth herein. Time is of the essence as to each and every obligation under this Agreement.

A full time employee of the Agency, qualified to ensure that the work being pursued is complete, accurate, and consistent with the terms, conditions, and specifications of this Agreement shall be in charge of the Project.

**Inactivity and Removal of Any Unbilled Funds**

Once the Department issues a Notice to Proceed (NTP) for the Project, the Agency shall be obligated to submit an invoice or other request for reimbursement to the Department for all work completed for the Project no less frequently than on a quarterly basis, beginning from the day the NTP is issued. If the Agency fails to submit quarterly (or more frequently than quarterly) invoices to the Department as required herein and in the event said failure to timely submit invoices to the Department results in FHWA removing any unbilled funding or in the loss of State appropriation authority (which may include the loss of state and Federal funds, if there are state funds programmed to the Project), then the Agency will be solely responsible to provide all funds necessary to complete the Project and the Department will not be obligated to provide any additional funding for the Project. The Agency waives the right to contest such removal of funds by the Department, if the removal is related to FHWA's withdrawal of funds or if the removal is related to the loss of State appropriation authority. In addition to the loss of funding for the Project, the Department will also consider the de-certification of the Agency for future LAP Projects.

## **Removal of All Funds**

If all funds are removed from the Project, including amounts previously billed to the Department and reimbursed to the Agency, and the Project is off the state highway system, then the department will have to request repayment for the previously billed amounts from the Agency. No state funds can be used on off-system projects.

**2.02 Expiration of Agreement:** The Agency agrees to complete the Project on or before \_\_\_\_\_. If the Agency does not complete the Project within this time period, this Agreement will expire on the last day of the scheduled completion as provided in this paragraph unless an extension of the time period is requested by the Agency and granted in writing by the Department prior to the expiration of this Agreement. Expiration of this Agreement will be considered termination of the Project. The cost of any work performed after the expiration date of this Agreement will not be reimbursed by the Department.

**2.03 Pursuant to Federal, State, and Local Laws:** In the event that any election, referendum, approval, permit, notice or other proceeding or authorization is requisite under applicable law to enable the Agency to enter into this Agreement or to undertake the Project hereunder or to observe, assume or carry out any of the provisions of the Agreement, the Agency will initiate and consummate, as provided by law, all actions necessary with respect to any such matters so requisite.

**2.04 Agency Funds:** The Agency shall initiate and prosecute to completion all proceedings necessary, including federal-aid requirements, to enable the Agency to provide the necessary funds for completion of the Project.

**2.05 Submission of Proceedings, Contracts, and Other Documents:** The Agency shall submit to the Department such data, reports, records, contracts, and other documents relating to the Project as the Department and the Federal Highway Administration (FHWA) may require. The Agency shall use the Department's Local Agency Program Information Tool and applicable information systems as required.

## **3.00 Project Cost:**

**3.01 Total Cost:** The total cost of the Project is \$ \_\_\_\_\_. This amount is based upon the schedule of funding in Exhibit "B." The Agency agrees to bear all expenses in excess of the total cost of the Project and any deficits involved. The schedule of funding may be modified by mutual agreement as provided for in paragraph 4.00.

**3.02 Department Participation:** The Department agrees to participate in the Project cost to the extent provided in Exhibit "B." This amount includes federal-aid funds which are limited to the actual amount of federal-aid participation.

**3.03 Limits on Department Funds:** Project costs eligible for Department participation will be allowed only from the date of this Agreement. It is understood that Department participation in eligible Project costs is subject to:

- a) Legislative approval of the Department's appropriation request in the work program year that the Project is scheduled to be committed;
- b) Availability of funds as stated in paragraphs 3.04 and 3.05 of this Agreement;
- c) Approval of all plans, specifications, contracts or other obligating documents and all other terms of this Agreement; and
- d) Department approval of the Project scope and budget at the time appropriation authority becomes available.

**3.04 Appropriation of Funds:** The Department's performance and obligation to pay under this Agreement is contingent upon an annual appropriation by the Legislature. If the Department's funding for this Project is in multiple fiscal years, funds approval from the Department's Comptroller must be received each fiscal year prior to costs being incurred. See Exhibit "B" for funding levels by fiscal year. Project costs utilizing these fiscal year funds are not eligible for reimbursement if incurred prior to funds approval being received. The Department will notify the Agency, in writing, when funds are available.

**3.05 Multi-Year Commitment:** In the event this Agreement is in excess of \$25,000 and has a term for a period of more than one year, the provisions of Section 339.135(6)(a), Florida Statutes, are hereby incorporated:

"(a) The Department, during any fiscal year, shall not expend money, incur any liability, or enter into any contract which, by its terms, involves the expenditure of money in excess of the amounts budgeted as available for expenditure during such fiscal year. Any contract, verbal or written, made in violation of this subsection is null and void, and no money may be paid on such contract. The Department shall require a statement from the comptroller of the Department that funds are available prior to entering into any such contract or other binding commitment of funds. Nothing herein contained shall prevent the making of contracts for periods exceeding 1 year, but any contract so made shall be executory only for the value of the services to be rendered or agreed to be paid for in succeeding fiscal years, and this paragraph shall be incorporated verbatim in all contracts of the Department which are for an amount in excess of \$25,000 and which have a term for a period of more than 1 year."

**3.06 Notice-to-Proceed:** No cost may be incurred under this Agreement until the Agency has received a written Notice-to-Proceed (NTP) from the Department. The Agency agrees to advertise or put the Project out to bid thirty (30) days from the date the Department issues the NTP to advertise the Project. If the Agency is not able to meet the scheduled advertisement, the District LAP Administrator should be notified as soon as possible.

**3.07 Limits on Federal Participation:** Federal-aid funds shall not participate in any cost which is not incurred in conformity with applicable Federal and State laws, the regulations in 23 Code of Federal Regulations (C.F.R.) and 49 C.F.R., and policies and procedures prescribed by the Division Administrator of FHWA. Federal funds shall not be paid on account of any cost incurred prior to authorization by the FHWA to the Department to proceed with the Project or part thereof involving such cost (23 C.F.R. 1.9 (a)). If FHWA or the Department determines that any amount claimed is not eligible, federal participation may be approved in the amount determined to be adequately supported and the Department shall notify the Agency in writing citing the reasons why items and amounts are not eligible for federal participation. Where correctable non-compliance with provisions of law or FHWA requirements exists, Federal funds may be withheld until compliance is obtained. Where non-compliance is not correctable, FHWA or the Department may deny participation in parcel or Project costs in part or in total.

For any amounts determined to be ineligible for federal reimbursement for which the Department has advanced payment, the Agency shall promptly reimburse the Department for all such amounts within 90 days of written notice.

**4.00 Project Estimate and Disbursement Schedule:** Prior to the execution of this Agreement, a Project schedule of funding shall be prepared by the Agency and approved by the Department. The Agency shall maintain said schedule of funding, carry out the Project, and shall incur obligations against and make disbursements of Project funds only in conformity with the latest approved schedule of funding for the Project. The schedule of funding may be revised by mutual written agreement between the Department and the Agency. If revised, a copy of the revision should be forwarded to the Department's Comptroller and to the Department's Federal-aid Program Office. No increase or decrease shall be effective unless it complies with fund participation requirements of this Agreement and is approved by the Department's Comptroller.

#### **5.00 Records:**

**5.01 Establishment and Maintenance of Accounting Records:** Records of costs incurred under the terms of this Agreement shall be maintained and made available upon request to the Department at all times during the period of this Agreement and for 5 years after the final payment is made. Copies of these documents and records shall be furnished to the Department upon request. Records of costs incurred include the Agency's general accounting records and the Project records, together with supporting documents and records of the Agency and all subcontractors performing work on the Project and all other records of the Agency and subcontractors considered necessary by the Department for a proper audit of costs. If any litigation, claim or audit is started before the expiration of the 5-year period, the records shall be retained until all litigation, claims or audit findings involving the records have been resolved.

**5.02 Costs Incurred for Project:** The Agency shall charge to the Project account all eligible costs of the Project except costs agreed to be borne by the Agency or its contractors and subcontractors. Costs in excess of the programmed funding or attributable to actions which have not received the required approval of the Department shall not be considered eligible costs.

**5.03 Documentation of Project Costs:** All costs charged to the Project, including any approved services contributed by the Agency or others, shall be supported by properly executed payrolls, time records, invoices, contracts or vouchers evidencing in proper detail the nature and propriety of the charges.

**5.04 Audit Reports:** Recipients of federal and state funds are to have audits done annually using the following criteria:

The administration of resources awarded by the Department to the Agency may be subject to audits and/or monitoring by the Department, as described in this section.

**Monitoring:** In addition to reviews of audits conducted in accordance with OMB Circular A-133 and Section 215.97, Florida Statutes, as revised (see "Audits" below), monitoring procedures may include, but not be limited to, on-site visits by Department staff, limited scope audits as defined by OMB Circular A-133, as revised, and/or other procedures. By entering into this Agreement, the recipient agrees to comply and cooperate fully with any monitoring procedures/processes deemed appropriate by the Department. In the event the Department determines that a limited scope audit of the recipient is appropriate, the recipient agrees to comply with any additional instructions provided by the Department staff to the Agency regarding such audit. The Agency further agrees to comply and cooperate with any inspections, reviews, investigations or audits deemed necessary by the Department's Office of Inspector General (OIG), and the Chief Financial Officer (CFO) or Auditor General.

**Audits**

**Part I - Federally Funded:** Recipients of federal funds (i.e., state, local government or non-profit organizations as defined in OMB Circular A-133, as revised) are to have audits done annually using the following criteria:

1. In the event that the recipient expends \$500,000 or more in federal awards in its fiscal year, the recipient must have a single or program-specific audit conducted in accordance with the provisions of OMB Circular A-133, as revised. Exhibit "1" of this Agreement indicates federal resources awarded through the Department by this Agreement. In determining the federal awards expended in its fiscal year, the recipient shall consider all sources of federal awards, including federal resources received from the Department. The determination of amounts of federal awards expended should be in accordance with the guidelines established by OMB Circular A-133, as revised. An audit of the recipient conducted by the Auditor General in accordance with the provisions OMB Circular A-133, as revised, will meet the requirements of this part.
2. In connection with the audit requirements addressed in Part I, paragraph 1 the recipient shall fulfill the requirements relative to auditee responsibilities as provided in Subpart C of OMB Circular A-133, as revised.
3. If the recipient expends less than \$500,000 in federal awards in its fiscal year, an audit conducted in accordance with the provisions of OMB Circular A-133, as revised, is not required. However, if the recipient elects to have an audit conducted in accordance with the provisions of OMB Circular A-133, as revised, the cost of the audit must be paid from non-federal resources (i.e., the cost of such an audit must be paid from recipient resources obtained from other than federal entities).
4. Federal awards are to be identified using the Catalog of Federal Domestic Assistance (CFDA) title and number, award number and year, and name of the awarding federal agency.

**Part II - State Funded:** Recipients of state funds (i.e., a non-state entity as defined by Section 215.97(2) (l), Florida Statutes) are to have audits done annually using the following criteria:

1. In the event that the recipient expends a total amount of state financial assistance equal to or in excess of \$500,000 in any fiscal year of such recipient, the recipient must have a state single or project-specific audit for such fiscal year in accordance with Section 215.97, Florida Statutes, applicable rules of the Executive Office of the Governor and the CFO, and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General. Exhibit "1" to this Agreement indicates state financial assistance awarded through the Department by this Agreement. In determining the state financial assistance expended in its fiscal year, the recipient shall consider all sources of state financial assistance, including state financial assistance received from the Department, other state agencies, and other non-state entities. State financial assistance does not include federal direct or pass-through awards and resources received by a non-state entity for federal program matching requirements.
2. In connection with the audit requirements addressed in Part II, paragraph 1, the recipient shall ensure that the audit complies with the requirements of Section 215.97(7), Florida Statutes. This includes submission of a financial reporting package as defined by Section 215.97(2) (d), Florida Statutes, and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General.

3. If the recipient expends less than \$500,000 in state financial assistance in its fiscal year, an audit conducted in accordance with the provisions of Section 215.97, Florida Statutes, is not required. However, if the recipient elects to have audit conducted in accordance with the provisions of Section 215.97, Florida Statutes, the cost of the audit must be paid from the non-state entity's resources (i.e., the cost of such an audit must be paid from the recipient's resources obtained from other than State entities).
4. State awards are to be identified using the Catalog of State Financial Assistance (CSFA) title and number, award number and year, and name of the state agency awarding it.

**Part III - Other Audit Requirements:** The recipient shall follow up and take corrective action on audit findings. Preparation of a Summary Schedule of Prior Year Audit Findings, including corrective action and current status of the audit findings is required. Current year audit findings require corrective action and status of findings.

Records related to unresolved audit findings, appeals or litigation shall be retained until the action is completed or the dispute is resolved. Access to Project records and audit work papers shall be given to the Department, the Department of Financial Services, and the Auditor General. This section does not limit the authority of the Department to conduct or arrange for the conduct of additional audits or evaluations of state financial assistance or limit the authority of any other state official.

**Part IV - Report Submission:**

1. Copies of financial reporting packages for audits conducted in accordance with OMB Circular A-133, as revised, and required by Part I of this Agreement shall be submitted, when required by Section .320 (d), OMB Circular A-133, as revised, by or on behalf of the recipient directly to each of the following:

- a) The Department at each of the following address(es):

Florida Department of Transportation  
Office of Comptroller, MS 24  
605 Suwannee Street  
Tallahassee, Florida 32399-0405  
Email: [FDOTSingleAudit@dot.state.fl.us](mailto:FDOTSingleAudit@dot.state.fl.us)

- b) The Federal Audit Clearinghouse designated in OMB Circular A-133, as revised (the number of copies required by Sections .320 (d)(1) and (2), OMB Circular A-133, as revised), at the following address:

Federal Audit Clearinghouse  
Bureau of the Census  
1201 East 10<sup>th</sup> Street  
Jeffersonville, IN 47132

- c) Other federal agencies and pass-through entities in accordance with Sections .320 (e) and (f), OMB Circular A-133, as revised.

2. In the event that a copy of the financial reporting package required by Part I of this Agreement and conducted in accordance with OMB Circular A-133, as revised, is not required to be submitted to the Department for reasons pursuant to Section .320 (e)(2), OMB Circular A-133, as revised, the recipient shall submit the required written notification pursuant to Section .320 (e)(2) and a copy of the recipient's audited Schedule of Expenditures of Federal Awards directly to each of the following:

Florida Department of Transportation  
Office of Comptroller, MS 24  
605 Suwannee Street  
Tallahassee, Florida 32399-0405  
Email: [FDOTSingleAudit@dot.state.fl.us](mailto:FDOTSingleAudit@dot.state.fl.us)

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**LOCAL AGENCY PROGRAM AGREEMENT**

In addition, pursuant to Section .320 (f), OMB Circular A-133, as revised, the recipient shall submit a copy of the financial reporting package described in Section .320 (c), OMB Circular A-133, as revised, and any Management Letters issued by the auditor, to the Department at each of the following addresses:

Florida Department of Transportation  
Office of Comptroller, MS 24  
605 Suwannee Street  
Tallahassee, Florida 32399-0405  
Email: [FDOTSingleAudit@dot.state.fl.us](mailto:FDOTSingleAudit@dot.state.fl.us)

3. Copies of the financial reporting package required by Part II of this Agreement shall be submitted by or on behalf of the recipient directly to each of the following:

- a) The Department at each of the following address(es):

Florida Department of Transportation  
Office of Comptroller, MS 24  
605 Suwannee Street  
Tallahassee, Florida 32399-0405  
Email: [FDOTSingleAudit@dot.state.fl.us](mailto:FDOTSingleAudit@dot.state.fl.us)

- b) The Auditor General's Office at the following address:

Auditor General's Office  
Room 401, Pepper Building  
111 West Madison Street  
Tallahassee, Florida 32399-1450

4. Copies of reports or the Management Letter required by Part III of this Agreement shall be submitted by or on behalf of the recipient directly to:

- a) The Department at each of the following address(es):

Florida Department of Transportation  
Office of Comptroller, MS 24  
605 Suwannee Street  
Tallahassee, Florida 32399-0405  
Email: [FDOTSingleAudit@dot.state.fl.us](mailto:FDOTSingleAudit@dot.state.fl.us)

5. Any reports, Management Letters, or other information required to be submitted to the Department pursuant to this Agreement shall be submitted in a timely manner in accordance with OMB Circular A-133, as revised, Florida Statutes, and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, as applicable.

6. Recipients, when submitting financial reporting packages to the Department for audits done in accordance with OMB Circular A-133, as revised, or Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, should indicate the date that the financial reporting package was delivered to the recipient in correspondence accompanying the financial reporting package.

**Part V - Record Retention:** The recipient shall retain sufficient records demonstrating its compliance with the terms of this Agreement for a period of at least 5 years from the date the audit report is issued and shall allow the Department or its designee, the state CFO or Auditor General access to such records upon request. The recipient shall ensure that the independent audit documentation is made available to the Department, or its designee, the state CFO or Auditor General upon request for a period of at least 5 years from the date the audit report is issued, unless extended in writing by the Department.

**5.05 Inspection:** The Agency shall permit, and shall require its contractors to permit, the Department's authorized representatives and authorized agents of FHWA to inspect all work, workmanship, materials, payrolls, and records and to audit the books, records, and accounts pertaining to the financing and development of the Project.

The Department reserves the right to unilaterally cancel this Agreement for refusal by the Agency or any contractor, sub-contractor or materials vendor to allow public access to all documents, papers, letters or other material subject to the provisions of Chapter 119, Florida Statutes, and made or received in conjunction with this Agreement (Section 287.058(1)(c), Florida Statutes) unless the records are exempt.

**5.06 Uniform Relocation Assistance and Real Property Statistical Report:** For any project requiring additional right-of-way, the Agency must submit to the Department an annual report of its real property acquisition and relocation assistance activities on the project. Activities shall be reported on a federal fiscal year basis, from October 1 through September 30. The report must be prepared using the format prescribed in 49 C.F.R. Part 24, Appendix B, and be submitted to the Department no later than October 15 of each year.

**6.00 Requisitions and Payments:** Requests for reimbursement for fees or other compensation for services or expenses incurred shall be submitted in detail sufficient for a proper pre-audit and post-audit thereof (Section 287.058(1)(a), Florida Statutes).

All recipients of funds from this Agreement, including those contracted by the Agency, must submit bills for any travel expenses, when authorized by the terms of this Agreement, in accordance with Section 112.061, Florida Statutes, and Chapter 3-"Travel" of the Department's Disbursement Operations Manual, Topic 350-030-400 (Section 287.058(1)(b), Florida Statutes).

If, after Project completion, any claim is made by the Department resulting from an audit or for work or services performed pursuant to this Agreement, the Department may offset such amount from payments due for work or services done under any agreement which it has with the Agency owing such amount if, upon demand, payment of the amount is not made within 60 days to the Department. Offsetting any amount pursuant to this paragraph shall not be considered a breach of contract by the Department.

**7.00 Department Obligations:** Subject to other provisions hereof, the Department will honor requests for reimbursement to the Agency in amounts and at times deemed by the Department to be proper to ensure the carrying out of the Project and payment of the eligible costs. However, notwithstanding any other provision of this Agreement, the Department may elect by notice in writing not to make a payment if:

**7.01 Misrepresentation:** The Agency shall have made misrepresentation of a material nature in its application, or any supplement thereto or amendment thereof or in or with respect to any document of data furnished therewith or pursuant hereto;

**7.02 Litigation:** There is then pending litigation with respect to the performance by the Agency of any of its duties or obligations which may jeopardize or adversely affect the Project, the Agreement or payments to the Project;

**7.03 Approval by Department:** The Agency shall have taken any action pertaining to the Project which, under this Agreement, requires the approval of the Department or has made related expenditure or incurred related obligations without having been advised by the Department that same are approved;

**7.04 Conflict of Interests:** There has been any violation of the conflict of interest provisions contained here in paragraph 12.07.

**7.05 Default:** The Agency has been determined by the Department to be in default under any of the provisions of the Agreement.

**7.06 Federal Participation:** The Department may suspend or terminate payment for that portion of the Project which the FHWA, or the Department acting in lieu of FHWA, may designate as ineligible for federal-aid.

**7.07 Disallowed Costs:** In determining the amount of the payment, the Department will exclude all Projects costs incurred by the Agency prior to the effective date of this Agreement or the date of authorization, costs incurred after the expiration of the Agreement, costs which are not provided for in the latest approved schedule of funding in Exhibit "B" for the Project, costs agreed to be borne by the Agency or its contractors and subcontractors for not meeting the Project

commencement and final invoice time lines, and costs attributable to goods or services received under a contract or other arrangements which have not been approved in writing by the Department.

**7.08 Final Invoices:** The Agency must submit the final invoice on the Project to the Department within 120 days after the completion of the Project. Invoices submitted after the 120-day time period may not be paid.

#### **8.00 Termination or Suspension of Project:**

**8.01 Termination or Suspension Generally:** The Department may, by written notice to the Agency, suspend any or all of its obligations under this Agreement until such time as the event or condition resulting in such suspension has ceased or been corrected or the Department may terminate this Agreement in whole or in part at any time the interest of the Department requires such termination.

(a) If the Department determines that the performance of the Agency is not satisfactory, the Department shall notify the Agency of the deficiency in writing with a requirement that the deficiency be corrected within thirty (30) days of such notice. Such notice shall provide reasonable specificity to the Agency of the deficiency that requires correction. If the deficiency is not corrected within such time period, the Department may either (1) immediately terminate the Agreement as set forth in paragraph 8.(b) below, or (2) take whatever action is deemed appropriate by the Department to correct the deficiency. In the event the Department chooses to take action and not terminate the Agreement, the Agency shall, upon demand, promptly reimburse the Department for any and all costs and expenses incurred by the Department in correcting the deficiency.

(b) If the Department terminates the Agreement, the Department shall notify the Agency of such termination in writing, with instructions to the effective date of termination or specify the stage of work at which the Agreement is to be terminated.

(c) If the Agreement is terminated before the Project is completed, the Agency shall be paid only for the percentage of the Project satisfactorily performed for which costs can be substantiated. Such payment, however, shall not exceed the equivalent percentage of the contract price. All work in progress will become the property of the Department and will be turned over promptly by the Agency.

**8.02 Action Subsequent to Notice-of-Termination or Suspension:** Upon receipt of any final termination or suspension notice under this paragraph, the Agency shall proceed promptly to carry out the actions required therein which may include any or all of the following: (a) necessary action to terminate or suspend, as the case may be, Project activities and contracts and such other action as may be required or desirable to keep to a minimum the costs upon the basis of which the financing is to be computed; (b) furnish a statement of the Project activities and contracts and other undertakings the cost of which are otherwise includable as Project costs. The termination or suspension shall be carried out in conformity with the latest schedule, plan, and cost as approved by the Department or upon the basis of terms and conditions imposed by the Department upon the failure of the Agency to furnish the schedule, plan, and estimate within a reasonable time. The closing out of federal financial participation in the Project shall not constitute a waiver of any claim which the Department may otherwise have arising out of this Agreement.

#### **9.00 Contracts of Agency:**

**9.01 Third Party Agreements:** Except as otherwise authorized in writing by the Department, the Agency shall not execute any contract or obligate itself in any manner requiring the disbursement of Department funds, including consultant or construction contracts or amendments thereto, with any third party with respect to the Project without the written approval of the Department. Failure to obtain such approval shall be sufficient cause for nonpayment by the Department. The Department specifically reserves unto itself the right to review the qualifications of any consultant or contractor and to approve or disapprove the employment of the same.

**9.02 Compliance with Consultants' Competitive Negotiation Act:** It is understood and agreed by the parties hereto that participation by the Department in a project with the Agency, where said project involves a consultant contract for engineering, architecture or surveying services, is contingent on the Agency's complying in full with provisions of Section 287.055, Florida Statutes, Consultants' Competitive Negotiation Act. At the discretion of the Department, the Agency will involve the Department in the consultant selection process for all projects. In all cases, the Agency shall certify to the Department that selection has been accomplished in compliance with the Consultants' Competitive Negotiation Act.

**10.00 Disadvantaged Business Enterprise (DBE) Policy and Obligation:** It is the policy of the Department that DBE's, as defined in 49 C.F.R. Part 26, as amended, shall have the opportunity to participate in the performance of contracts financed in whole or in part with Department funds under this Agreement. The DBE requirements of applicable federal and state laws and regulations apply to this Agreement.

The Agency and its contractors agree to ensure that DBE's have the opportunity to participate in the performance of this Agreement. In this regard, all recipients and contractors shall take all necessary and reasonable steps in accordance with applicable federal and state laws and regulations to ensure that the DBE's have the opportunity to compete for and perform contracts. The Agency and its contractors and subcontractors shall not discriminate on the basis of race, color, national origin or sex in the award and performance of contracts, entered pursuant to this Agreement. Furthermore, the Agency agrees that:

(a) Each financial assistance agreement signed with a US-DOT operating administration (or a primary recipient) must include the following assurance:

"The recipient shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE program or the requirements of 49 C.F.R. Part 26. The recipient shall take all necessary and reasonable steps under 49 C.F.R. Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. The recipient's DBE program, as required by 49 C.F.R. Part 26 and as approved by Department, is incorporated by reference in this Agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this Agreement. Upon notification to the recipient of its failure to carry out its approved program, the Department may impose sanctions as provided for under 49 C.F.R. Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.)."

(b) Each contract signed with a contractor (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance:

"The contractor, subrecipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 C.F.R. Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate."

**11.00 Compliance with Conditions and Laws:** The Agency shall comply and require its contractors and subcontractors to comply with all terms and conditions of this Agreement and all federal, state, and local laws and regulations applicable to this Project. Execution of this Agreement constitutes a certification that the Agency is in compliance with, and will require its contractors and subcontractors to comply with, all requirements imposed by applicable federal, state, and local laws and regulations, including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transactions," in 49 C.F.R. Part 29, when applicable.

**11.01 Performance Evaluation:** Agencies are evaluated on a project-by-project basis. The evaluations provide information about oversight needs and provide input for the recertification process. Evaluations are submitted to the Agency's Responsible Charge or designee as part of the Project closeout process. The Department provides the evaluation to the Agency no more than 30 days after final acceptance.

**11.02 Performance Evaluation Ratings:** Each evaluation will result in one of three ratings. A rating of Unsatisfactory Performance means the Agency failed to develop the Project in accordance with applicable federal and state regulations, standards and procedures, required excessive District involvement/oversight, or the Project was brought in-house by the Department. A rating of Satisfactory Performance means the Agency developed the Project in accordance with applicable federal and state regulations, standards and procedures, with minimal District involvement/oversight. A rating of Above Satisfactory Performance means the Agency developed the Project in accordance with applicable federal and state regulations, standards and procedures, without District involvement/oversight.

**11.03 Delegation of Authority:** The District will determine which functions can be further delegated to Agencies that continuously earn Satisfactory and Above Satisfactory evaluations.

**12.00 Restrictions, Prohibitions, Controls, and Labor Provisions:**

**12.01 Equal Employment Opportunity:** In connection with the carrying out of any project, the Agency shall not discriminate against any employee or applicant for employment because of race, age, religion, color, sex, national origin, disability or marital status. The Agency will take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, age, religion, color, gender, national origin, disability or marital status. Such action shall include, but not be limited to, the following: employment upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Agency shall insert the foregoing provision modified only to show the particular contractual relationship in all its contracts in connection with the development of operation of the Project, except contracts for the standard commercial supplies or raw materials, and shall require all such contractors to insert a similar provision in all subcontracts, except subcontracts for standard commercial supplies or raw materials. When the project involves installation, construction, demolition, removal, site improvement or similar work, the Agency shall post, in conspicuous places available to employees and applicants for employment for project work, notices to be provided by the Department setting forth the provisions of the nondiscrimination clause.

**12.02 Title VI – Civil Rights Act of 1964:** The Agency will comply with all the requirements imposed by Title VI of the Civil Rights Act of 1964, the regulations of the U.S. Department of Transportation issued thereunder, and the assurance by the Agency pursuant thereto.

The Agency shall include provisions in all contracts with third parties that ensure compliance with Title VI of the Civil Rights Act of 1964, 49 C.F.R. Part 21, and related statutes and regulations.

**12.03 Americans with Disabilities Act of 1990 (ADA):** The Agency will comply with all the requirements as imposed by the ADA, the regulations of the Federal government issued thereunder, and assurance by the Agency pursuant thereto.

**12.04 Public Entity Crime:** A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity; may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, Florida Statutes, for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list.

**12.05 Discrimination:** In accordance with Section 287.134, Florida Statutes, an entity or affiliate who has been placed on the Discriminatory Vendor List, kept by the Florida Department of Management Services, may not submit a bid on a contract to provide goods or services to a public entity; may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor or consultant under a contract with any public entity; and may not transact business with any public entity.

**12.06 Suspension, Revocation, Denial of Qualification or Determination of Contractor Non-Responsibility:** An entity or affiliate who has had its Certificate of Qualification suspended, revoked, denied or have further been determined by the Department to be a non-responsible contractor may not submit a bid or perform work for the construction or repair of a public building or public work on a contract with the Agency.

**12.07 Prohibited Interests:** Neither the Agency nor any of its contractors or their subcontractors shall enter into any contract, subcontract or arrangement in connection with the Project or any property included or planned to be included in the Project in which any member, officer or employee of the Agency or the locality during tenure or for 2 years thereafter has any interest, direct or indirect. If any such present or former member, officer or employee involuntarily acquires or had acquired prior to the beginning of tenure any such interest, and if such interest is immediately disclosed to the Agency, the Agency, with prior approval of the Department, may waive the prohibition contained in this paragraph provided that any such present member, officer or employee shall not participate in any action by the Agency or the locality relating to such contract, subcontract or arrangement.

The Agency shall insert in all contracts entered into in connection with the Project or any property included or planned to be included in any Project, and shall require its contractors to insert in each of their subcontracts, the following provision:

"No member, officer or employee of the Agency or of the locality during his tenure or for 2 years thereafter shall have any interest, direct or indirect, in this contract or the proceeds thereof."

The provisions of this paragraph shall not be applicable to any agreement between the Agency and its fiscal depositories or to any agreement for utility services the rates for which are fixed or controlled by a governmental agency.

**12.08 Interest of Members of, or Delegates to, Congress:** No member or delegate to the Congress of the United States shall be admitted to any share or part of this Agreement or any benefit arising therefrom.

**13.00 Miscellaneous Provisions:**

**13.01 Environmental Regulations:** The Agency will be solely responsible for compliance with all the applicable environmental regulations, for any liability arising from non-compliance with these regulations, and will reimburse the Department for any loss incurred in connection therewith. The Agency will be responsible for securing any applicable permits.

**13.02 Department Not Obligated to Third Parties:** The Department shall not be obligated or liable hereunder to any individual or entity not a party to this Agreement.

**13.03 When Rights and Remedies Not Waived:** In no event shall the making by the Department of any payment to the Agency constitute or be construed as a waiver by the Department of any breach of covenant or any default which may then exist on the part of the Agency and the making of such payment by the Department, while any such breach or default shall exist, shall in no way impair or prejudice any right or remedy available to the Department with respect to such breach or default.

**13.04 How Agreement Is Affected by Provisions Being Held Invalid:** If any provision of this Agreement is held invalid, the remainder of this Agreement shall not be affected. In such an instance, the remainder would then continue to conform to the terms and requirements of applicable law.

**13.05 Bonus or Commission:** By execution of the Agreement, the Agency represents that it has not paid and, also agrees not to pay, any bonus or commission for the purpose of obtaining an approval of its application for the financing hereunder.

**13.06 State Law:** Nothing in the Agreement shall require the Agency to observe or enforce compliance with any provision or perform any act or do any other thing in contravention of any applicable state law. If any of the provisions of the Agreement violate any applicable state law, the Agency will at once notify the Department in writing in order that appropriate changes and modifications may be made by the Department and the Agency to the end that the Agency may proceed as soon as possible with the Project.

**13.07 Plans and Specifications:** In the event that this Agreement involves constructing and equipping of facilities, the Agency shall submit to the Department for approval all appropriate plans and specifications covering the Project. The Department will review all plans and specifications and will issue to the Agency a written approval with any approved portions of the Project and comments or recommendations covering any remainder of the Project deemed appropriate. After resolution of these comments and recommendations to the Department's satisfaction, the Department will issue to the Agency a written approval with said remainder of the Project. Failure to obtain this written approval shall be sufficient cause of nonpayment by the Department. The Agency will physically include Form FHWA-1273 in all its contracts and subcontracts.

**13.08 Right-of-Way Certification:** Upon completion of right-of-way activities on the Project, the Agency must certify compliance with all applicable federal and state requirements. Certification is required prior to advertisement for or solicitation of bids for construction of the Project, including if no right-of-way is required.

**13.09 Agency Certification:** The Agency will certify in writing, prior to Project closeout that the Project was completed in accordance with applicable plans and specifications, is in place on the Agency's facility, adequate title is in the Agency's name, and the Project is accepted by the Agency as suitable for the intended purpose.

**13.10 Agreement Format:** All words used herein in the singular form shall extend to and include the plural. All words used in the plural form shall extend to and include the singular. All words used in any gender shall extend to and include all genders.

**13.11 Execution of Agreement:** This Agreement may be simultaneously executed in a minimum of two counterparts, each of which so executed shall be deemed to be an original and such counterparts together shall constitute one and the same instrument.

**13.12 Restrictions on Lobbying:**

**Federal:** The Agency agrees that no federally-appropriated funds have been paid, or will be paid by or on behalf of the Agency, to any person for influencing or attempting to influence any officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any federal contract, grant, loan or cooperative agreement.

If any funds other than federally-appropriated funds have been paid by the Agency to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress or an employee of a Member of Congress in connection with this Agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

The Agency shall require that the language of this paragraph be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

**State:** No funds received pursuant to this contract may be expended for lobbying the Legislature, the judicial branch or a state agency.

**13.13 Maintenance:** The Agency agrees to maintain any project not on the State Highway System constructed under this Agreement. If the Agency constructs any improvement on Department right-of-way, the Agency  will  will not maintain the improvements made for their useful life.

**13.14 Vendors Rights:** Vendors (in this document identified as the Agency) providing goods and services to the Department should be aware of the following time frames. Upon receipt, the Department has 30 working days to inspect and approve the goods and services unless the bid specifications, purchase order or contract specifies otherwise. The Department has 20 days to deliver a request for payment (voucher) to the Department of Financial Services. The 20 days are measured from the latter of the date the invoice is received or the goods or services are received, inspected, and approved.

If a payment is not available within 40 days after receipt of the invoice and the receipt, inspection, and approval of goods and services, a separate interest penalty in accordance with Section 215.422(3) (b), Florida Statutes, will be due and payable in addition to the invoice amount to the Agency. Interest penalties of less than one \$1 will not be enforced unless the Agency requests payment. Invoices which have to be returned to the Agency because of Agency preparation errors will result in a delay in the payment. The invoice payment requirements do not start until a properly completed invoice is provided to the Department.

A Vendor Ombudsman has been established within the Department of Financial Services. The duties of this individual include acting as an advocate for Agencies who may be experiencing problems in obtaining timely payment(s) from the Department. The Vendor Ombudsman may be contacted at 850-413-5516.

**13.15 Reimbursement of Federal Funds:**

The Agency shall comply with all applicable federal guidelines, procedures, and regulations. If at any time a review conducted by Department and or FHWA reveals that the applicable federal guidelines, procedures, and regulations were not followed by the Agency and FHWA requires reimbursement of the funds, the Agency will be responsible for repayment to the Department of all funds awarded under the terms of this Agreement.

**13.16 E- VERIFY**

The Agency:

1. shall utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by Agency during the term of the contract; and
2. shall expressly require any subcontractors performing work or providing services pursuant to the state contract to likewise utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the subcontractor during the contract term.

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**LOCAL AGENCY PROGRAM AGREEMENT**

IN WITNESS WHEREOF, the parties have caused these presents to be executed the day and year first above written.

AGENCY

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

By: \_\_\_\_\_  
Name:  
Title:

By: \_\_\_\_\_  
Name:  
Title:

Attest: \_\_\_\_\_  
Title:

Attest: \_\_\_\_\_  
Title:

Legal Review:

\_\_\_\_\_

\_\_\_\_\_

See attached Encumbrance Form for date of funding approval by Comptroller.

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## **CHAPTER 14 - DISADVANTAGED BUSINESS ENTERPRISES**

### **14.1 GENERAL**

14.1.1 It is the policy of the United States Department of Transportation (USDOT) that Disadvantaged Business Enterprises (DBEs) have an equal opportunity to participate in the performance of federally financed contracts or subcontracts. (DBEs are defined in 49 Code of Federal Regulation, Part 23). To achieve this goal, all Local Agencies and their contractors must take steps to make sure that DBEs are encouraged to compete for construction contracts, procurement contracts, grants, services, financial aid or other benefits. DBEs must have full access to these opportunities.

14.1.2 In accordance with guidance provided by the Federal Highway Administration (FHWA), contracts issued by Local Agencies that have FHWA funds must be in compliance with the FDOT DBE Program. The FDOT DBE Program is race-neutral and has a goal for the 2007-2008 Federal Fiscal Year to spend at least 8.60% of the highway dollars received from the Federal Government on projects with Certified DBEs as prime contractors/subcontractors and prime consultants/sub consultants. Race-neutral means that the Department will not be assigning individual goals on each project. Instead, the Department believes that the 8.60% overall goal can be achieved through the normal competitive procurement process. According to 49 CFR Part 26, if the 8.60% goal is not achieved, the Department may be required to return to a race-conscious program. In this program, goals are imposed on individual contracts. The Department encourages all of their contractors to obtain bids and quotes from Certified DBEs. The Department's DBE Program Plan goal methodology can be found at:  
[www.dot.state.fl.us/equalopportunityoffice/](http://www.dot.state.fl.us/equalopportunityoffice/).

14.1.3 The District Administrator will arrange for the Department's Equal Opportunity Office (EOO) to provide training to Local Agencies, as necessary.

### **14.2 ESTABLISHMENT OF PROJECT DBE AVAILABILITY GOAL PERCENTAGES**

The Local Agency will review each project to determine if the work allows for DBE participation. The Local Agency must also set up a DBE availability goal percentage. This DBE availability goal percentage is not a fixed contract requirement. It is a guide to inform the contractor of the work that could reasonably be contracted to a DBE. The Local Agency considers the following criteria when making a goal: (1) the dollar amount of the contract to make sure that it is large enough to allow efficient subcontracting, (2) the work

of the project that can be subcontracted, and (3) the availability of DBE firms in the project area able to do the required work.

### **14.3 ANTICIPATED DBE PARTICIPATION STATEMENT**

The contractor must complete and submit the “Anticipated DBE Participation Statement,” (shown in Appendices 14.7.1) at the pre-construction or pre-work conference. The Statement must only include companies certified as a DBE. The contractor can and should update the Statement when additions or deletions are made through the life of the contract. This will not become a binding part of the contract. It will assist the Department in tracking planned or estimated DBE use. The contractor must mail or fax the Statement to the Department’s Equal Opportunity Office at the following address within 3 days of the pre-construction or pre-work conference:

Florida Department of Transportation  
Equal Opportunity Office, MS-65  
605 Suwannee Street  
Tallahassee, Florida 32399-0450  
Fax Number: (850) 414-4879

### **14.4 EQUAL OPPORTUNITY REPORTING (EOR) SYSTEM**

To comply with federal changes in the DBE Program Plan, the Department is also collecting actual payments made to subcontractors in addition to the planned use. The Local Agency reports data on actual payments, minority status, and the type of work of all subcontractors and major suppliers. Reports can be made through the Equal Opportunity Reporting System (EOR) on the Internet at [www.dot.state.fl.us/equalopportunityoffice/](http://www.dot.state.fl.us/equalopportunityoffice/). Each month the Local Agency must report actual payments to all DBE subcontractors and suppliers. Payments to all non-DBE subcontractors can be reported either monthly or at the end of the project. The EOR is working to revise the reporting system so contractors can enter this information instead of the Local Agency.

### **14.5 DBE CERTIFICATION**

The DBE firm(s) named by the contractor in the “Anticipated DBE Participation Statement” and the EOR System must be certified as a DBE firm in order to be counted as a DBE. To verify whether a firm is certified as a DBE for the work being performed, the contractor must refer to the Business Directory published by the Department’s Equal Opportunity Office on the Internet at: [www.dot.state.fl.us/equalopportunityoffice/](http://www.dot.state.fl.us/equalopportunityoffice/). If the Internet is not available, the contractor can call the Equal Opportunity Office for verification at (850) 414-4747.

## **14.6 BIDDERS LIST**

Federal regulations require States to maintain a database of all firms that are participating or attempting to participate in FDOT-assisted contracts. The list must include all firms that bid on prime contracts or bid or quote subcontracts on FDOT-assisted projects, including both DBEs and non-DBEs. The Bid Opportunity List is used to record bidders' information for all subcontractors or sub consultants who submitted bids to primes. This information should be returned with the bid package or proposal package on the Bidders Opportunity List form. The local agency should mail or fax the form to the Equal Opportunity Office.

## **14.7 MONITORING DBE REPORTING**

The Local Agency must monitor the contractor to ensure that it submits the "Anticipated DBE Participation Statement" at the pre-construction or pre-work conference and then forwards it to the Equal Opportunity Office. The Equal Opportunity Office will monitor the EOR System to ensure that the Local Agency is providing the necessary information.

## **14.8 APPENDICES**

Anticipated DBE Participation Statement (275-030-12) and Bidders Opportunity List (275-030-11).

paid for in succeeding fiscal years. The Department will incorporate this paragraph verbatim in all Contracts in excess of \$25,000 or having a term for more than one year.

**7-23 Contractor's Motor Vehicle Registration.**

The Contractor shall provide the Department with proof that all motor vehicles operated or caused to be operated by such Contractor are registered in compliance with Chapter 320 of the Florida Statutes. Submit such proof of registration in the form of a notarized affidavit to the Department.

The Department will not make payment to the Contractor until the required proof of registration is on file with the Department.

If the Contractor fails to register any motor vehicle that he operates in Florida, pursuant to Chapter 320 of the Florida Statutes, the Department may disqualify the Contractor from bidding, or the Department may suspend and revoke the Contractor's certificates of qualification.

**7-24 Disadvantaged Business Enterprise Program.**

**7-24.1 General:** Prior to award of the Contract, have an approved Disadvantaged Business Enterprise (DBE) Affirmative Action Program Plan filed with the Equal Opportunity Office. Update and resubmit the plan every three years. No Contract will be awarded until the Department approves the Plan. The DBE Affirmative Action Program Plan and commitment to carry out the Plan must be incorporated into and become a part of the awarded Contract.

**7-24.2 Required Contract and Subcontract DBE Assurance Language:** Per 49 CFR 26.13 (b) each Contract FDOT signs with a Contractor (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance: "The Contractor, sub-recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The Contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted Contracts. Failure by the Contractor to carry out these requirements is a material breach of this Contract, which may result in the termination of this Contract or such other remedy as the recipient deems appropriate."

**7-24.3 Plan Requirements:** Include the following in the DBE Affirmative Action Program Plan:

(a) A policy statement, expressing a commitment to use DBEs in all aspects of contracting to the maximum extent feasible. The policy making body must issue a policy statement signed by the chairperson, which expresses its commitment to utilize DBEs, outlines the various levels of responsibility, and states the objectives of the program. Circulate the policy statement throughout the Contractor's organization.

(b) The designation of a Liaison Officer within the Contractor's organization, as well as support staff, necessary and proper to administer the program, and a description of the authority, responsibility, and duties of the Liaison Officer and support staff. The Liaison Officer and staff are responsible for developing, managing, and implementing the program on a day-to-day basis for carrying out technical assistance activities for DBEs and for disseminating information on available business opportunities so that DBEs are provided an equitable opportunity to participate in Contracts let by the Department.

Use techniques to facilitate DBE participation in contracting activities which include, but are not limited to:

1. Soliciting price quotations and arranging a time for the review of plans, quantities, specifications, and delivery schedules, and for the preparation and presentation of quotations.

2. Providing assistance to DBEs in overcoming barriers such as the inability to obtain bonding, financing, or technical assistance.

3. Carrying out information and communication programs or workshops on contracting procedures and specific contracting opportunities in a timely manner, with such programs being bilingual where appropriate.

4. Encouraging eligible DBEs to apply for certification with the Department.

5. Contacting Minority Contractor Associations and city and county agencies with programs for disadvantaged individuals for assistance in recruiting and encouraging eligible DBE contractors to apply for certification with the Department.

**7-24.4 DBE Records and Reports:** Submit the Anticipated DBE Participation Statement at or before the Pre-Construction Conference. Report monthly, through the Equal Opportunity Reporting System on the Department's Website, actual payments, retainage, of all DBE and Minority Business Enterprise (MBE) subcontractors and DBE and MBE construction material and major suppliers. The Equal Opportunity Office will provide instructions on accessing this system. Develop a record keeping system to monitor DBE affirmative action efforts which include the following:

(a) the procedures adopted to comply with these Specifications;

(b) the number of subordinated Contracts on Department projects awarded to DBEs;

(c) the dollar value of the Contracts awarded to DBEs;

(d) the percentage of the dollar value of all subordinated Contracts awarded to DBEs as a percentage of the total Contract amount;

(e) a description of the general categories of Contracts awarded to DBEs; and

(f) the specific efforts employed to identify and award Contracts to DBEs.

Upon request, provide the records to the Department for review.

All such records are required to be maintained for a period of five years following acceptance of final payment and have them available for inspection by the Department and the Federal Highway Administration.

#### **7-25 On-The-Job Training Requirements.**

As part of the Contractor's equal employment opportunity affirmative action program, training shall be provided as follows:

The Contractor shall provide on-the-job training aimed at developing full journeymen in the type(s) of trade or job classification(s) involved in the work. In the event the Contractor subcontracts a portion of the contract work, he/she shall determine how many, if any, of the trainees are to be trained by the subcontractor provided, that the Contractor shall retain the primary responsibility for meeting the training requirements imposed by this Section. The Contractor shall apply the requirements of this Section to such subcontract. Where feasible, 25% of apprentices or trainees in each occupation shall be in their first year of apprenticeship or training.

The number of trainees will be estimated on the number of calendar days of the contract, the dollar value, and the scope of work to be performed. The trainee goal will be

**CERTIFICATION**  
**DISBURSEMENT OF PREVIOUS PERIODIC PAYMENT TO SUBCONTRACTORS**  
(As required by Florida Transportation Code, Section 337.11, Subsection (11), F.S.)

FIN PROJ. I.D. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE \_\_\_\_\_  
CONTRACT NO. \_\_\_\_\_  
TO RELEASE MONTHLY PAYMENT FOR \_\_\_\_\_

\_\_\_\_\_, prime contractor for the above referenced contract, hereby certifies that all subcontractors, except for those noted below, having interest in this contract have received their pro rata share of all previous periodic payments made to date by the Department for all work, materials and equipment furnished under the contract. The term "subcontractor", as used herein, shall also include persons or firms furnishing materials, services or equipment incorporated into the work or stockpiled in the vicinity of the project for which partial payment has been made by the Department and work done under equipment-rental agreements.

**EXCEPTION:**

The following subcontractors have not been paid and a copy of the notification sent to each, explaining the good cause why payment has not been made, is attached to this form:

\_\_\_\_\_  
Subcontractor name  
\_\_\_\_\_  
Street Address  
\_\_\_\_\_  
City State Zip

\_\_\_\_\_  
Subcontractor name  
\_\_\_\_\_  
Street Address  
\_\_\_\_\_  
City State Zip

State of Florida  
County of \_\_\_\_\_  
Sworn to and subscribed before me this \_\_\_\_\_ day  
of \_\_\_\_\_, \_\_\_\_\_, by \_\_\_\_\_  
(Print name of person signing Certification)

A false statement or omission made in connection with this certification is sufficient cause for suspension, revocation, or denial of qualification to bid, and a determination of non-responsibility, and may subject the person and/or entity making the false statement to any and all civil and criminal penalties available pursuant to applicable Federal and State Law.

\_\_\_\_\_  
Notary Public  
\_\_\_\_\_  
Commission Expires  
Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

\_\_\_\_\_  
Contractor  
\_\_\_\_\_  
By  
\_\_\_\_\_  
Title

**Instructions:**

- 1. Attach copy of the notification good cause sent to each applicable subcontractor.
- 2. List the subcontractors which have not been paid the proportionate share of payments received by the contractor and the date listed as exception.
- 3. A separate certification is required for each contract.
- 4. To be signed by an officer or director of the Contractor with the authority to bind the Contractor and notarized.
- 5. To avoid delay in payment, certification must be submitted to the Project Engineer no later than the Friday before the monthly estimate cutoff date (generally the 3rd Sunday of the month).

**9-5.6 Certification of Payment to Subcontractors:** The term “subcontractor,” as used herein, includes persons or firms furnishing materials or equipment incorporated into the work or stockpiled for which the Department has made partial payment and firms working under equipment-rental agreements. The Contractor is required to pay all subcontractors for satisfactory performance of their Contracts before the Department will make a further progress (partial) payment. The Contractor shall also return all retainage withheld to the subcontractors within 30 days after the subcontractor’s work is satisfactorily complete, as determined by the Department. Prior to receipt of any progress (partial) payment, the prime contractor shall certify that all subcontractors having an interest in the Contract were paid for satisfactory performance of their Contracts and that the retainage is returned to subcontractors within 30 days after satisfactory completion of the subcontractor’s work. Provide this certification in the form designated by the Department.

Within 30 days of the Contractor’s receipt of the final progress payment or any other payments thereafter, except the final payment, the Contractor shall pay all subcontractors and suppliers having an interest in the Contract for all work completed and materials furnished. The Department will honor an exception to the above when the Contractor demonstrates good cause for not making any required payment and furnishes written notification of any such good cause to both the Department and the affected subcontractors or suppliers within said 30 day period.

The Contractor shall indemnify and provide defense for the Department when called upon to do so for all claims or suits against the Department, by third parties, pertaining to Contractor payment or performance issues arising out of the Contract. It is expressly understood that the monetary limitation on the extent of the indemnification shall be the approved Contract amount, which shall be the original Contract amount as may be increased by subsequent Supplemental Agreements.

#### **9-6 Record of Construction Materials.**

**9-6.1 General:** For all construction materials used in the construction of the project, (except materials exempted by 9-6.2), preserve for the Department’s inspection the invoices and records of the materials for a period of three years from the date of completion of the project. Apply this requirement when subcontractors purchase materials, and obtain the invoices and other materials records from the subcontractors. By providing the materials, the Contractor certifies that all invoices will be maintained for the required period.

**9-6.2 Non-Commercial Materials:** The provisions of 9-6.1 do not apply to materials generally classed as non-commercial, such as fill materials, local sand, sand-clay, or local materials used as stabilizer.

#### **9-7 Disputed Amounts Due the Contractor.**

The Department reserves the right to withhold from the final estimate any disputed amounts between the Contractor and the Department. The Department will release all other amounts due, as provided in 9-8.

#### **9-8 Acceptance and Final Payment.**

**9-8.1 Acceptance and Final Payment Documents:** Whenever the Contractor has completely performed the work provided for under the Contract and the Engineer has

**7-24 Disadvantaged Business Enterprise Program.**

**7-24.1 Disadvantaged Business Enterprise Affirmative Action Plan:** Prior to award of the Contract, have an approved Disadvantaged Business Enterprise (DBE) Affirmative Action Program Plan filed with the Equal Opportunity Office. Update and resubmit the plan every three years. No Contract will be awarded until the Department approves the Plan. The DBE Affirmative Action Program Plan is incorporated into and made a part of the Contract.

**7-24.2 Required Contract and Subcontract DBE Assurance Language:** In accordance with 49 CFR 26.13 (b), the Contract FDOT signs with the Contractor (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance: "The Contractor, sub-recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The Contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted Contracts. Failure by the Contractor to carry out these requirements is a material breach of this Contract, which may result in the termination of this Contract or such other remedy as the recipient deems appropriate."

**7-24.3 Plan Requirements:** Include the following in the DBE Affirmative Action Program Plan:

(a) A policy statement, signed by an authorized representative (president, chief executive officer, or chairman of the contractor), expressing a commitment to use DBEs in all aspects of contracting to the maximum extent feasible, outlining the various levels of responsibility, and stating the objectives of the program. Circulate the policy statement throughout the Contractor's organization.

(b) The designation of a Liaison Officer within the Contractor's organization, as well as support staff, necessary and proper to administer the program, and a description of the authority, responsibility, and duties of the Liaison Officer and support staff. The Liaison Officer and staff are responsible for developing, managing, and implementing the program on a day-to-day basis for carrying out technical assistance activities for DBEs and for disseminating information on available business opportunities so that DBEs are provided an equitable opportunity to participate in Contracts let by the Department.

(c) Utilization of techniques to facilitate DBE participation in contracting activities which include, but are not limited to:

1. Soliciting price quotations and arranging a time for the review of plans, quantities, specifications, and delivery schedules, and for the preparation and presentation of quotations.

2. Providing assistance to DBEs in overcoming barriers such as the inability to obtain bonding, financing, or technical assistance.

3. Carrying out information and communication programs or workshops on contracting procedures and specific contracting opportunities in a timely manner, with such programs being bilingual where appropriate.

4. Encouraging eligible DBEs to apply for certification with the Department.

5. Contacting Minority Contractor Associations and city and county agencies with programs for disadvantaged individuals for assistance in recruiting and encouraging eligible DBE contractors to apply for certification with the Department.

**7-24.4 DBE Records and Reports:** Submit the following through the Equal Opportunity Compliance System:

1. DBE Commitments - at or before the Pre-Construction Conference.

2. Report monthly, through the Equal Opportunity Compliance System on the Department's Website, actual payments (including retainage) made to DBEs for work performed with their own workforce and equipment in the area in which they are certified. Report payments made to all DBE and Minority Business Enterprise (MBE) subcontractors and DBE and MBE construction material and major suppliers.

The Equal Opportunity Office will provide instructions on accessing this system. Develop a record keeping system to monitor DBE affirmative action efforts which include the following:

(a) the procedures adopted to comply with these Specifications;  
(b) the number of subordinated Contracts on Department projects awarded to DBEs;

(c) the dollar value of the Contracts awarded to DBEs;  
(d) the percentage of the dollar value of all subordinated Contracts awarded to DBEs as a percentage of the total Contract amount;

(e) a description of the general categories of Contracts awarded to DBEs;  
and

(f) the specific efforts employed to identify and award Contracts to DBEs.

Upon request, provide the records to the Department for review.

Maintain all such records for a period of five years following acceptance of final payment and have them available for inspection by the Department and the Federal Highway Administration.

#### **7-24.5 Counting DBE Participation and Commercially Useful Functions:**

49 CFR Part 26.55 specifies when DBE credit shall be awarded for work performed by a DBE. DBE credit can only be awarded for work actually performed by DBEs themselves for the types of work for which they are certified. When reporting DBE Commitments, only include the dollars that a DBE is expected to earn for work they perform with their own workforce and equipment. Update DBE Commitments to reflect changes to the initial amount that was previously reported or to add DBEs not initially reported.

When a DBE participates in a contract, the value of the work is determined in accordance with 49 CFR Part 26.55, for example:

(a) The Department will count only the value of the work performed by the DBE toward DBE goals. The entire amount of the contract that is performed by the DBE's own forces (including the cost of supplies, equipment and materials obtained by the DBE for the contract work) will be counted as DBE credit.

(b) The Department will count the entire amount of fees or commissions charged by the 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 Department-assisted contract, toward DBE goals, provided that the Department determines the fees to be reasonable and not excessive as compared with fees customarily followed for similar services.

(c) When the DBE subcontracts part of the work of its contract to another firm, the Department will count the value of the subcontracted work only if the DBE's subcontractor is itself a DBE. Work that a DBE subcontracts to a non-DBE firm does not count toward DBE goals.

(d) When a DBE performs as a participant in a joint venture, the

Department will count the portion of the dollar value of the contract equal to the distinct, clearly defined portion of the work the DBE performs with its own forces toward DBE goals.

(e) The Contractors shall ensure that only expenditures to DBEs that perform a commercially useful function (CUF) in the work of a contract may be counted toward the voluntary DBE goal.

(f) 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.

(g) Contractors wishing to use joint checks involving DBE credit must provide written notice to the District Contract Compliance Office prior to issuance of the joint check. The Contractor must also provide a copy of the notice to the DBE subcontractor and maintain a copy with the project records.

(h) To determine whether a DBE is performing a commercially useful function, the Department will 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.

(i) 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.

(j) If a DBE does not perform or exercise responsibility for at least 30% of the total cost of its contract with its own workforce, or if 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, the DBE has not performed a commercially useful function.

**7-24.6 Prompt Payments:** Meet the requirements of 9-5 for payments to all DBE subcontractors.

#### **7-25 On-The-Job Training Requirements.**

As part of the Contractor's equal employment opportunity affirmative action program, training shall be provided as follows:

The Contractor shall provide on-the-job training aimed at developing full journeymen in the type(s) of trade or job classification(s) involved in the work. In the event the Contractor subcontracts a portion of the contract work, he/she shall determine how many, if any, of the trainees are to be trained by the subcontractor provided, that the Contractor shall retain the primary responsibility for meeting the training requirements imposed by this Section. The Contractor shall apply the requirements of this Section to such subcontract

The number of trainees will be estimated on the number of calendar days of the contract, the dollar value, and the scope of work to be performed. The trainee goal will be finalized at a Post-Preconstruction Trainee Evaluation Meeting and the goal will be distributed among the work classifications based on the following criteria:

1) Determine the number of trainees on Federal Aid Contract:

(a) No trainees will be required for contracts with a contract time allowance of less than 225 calendar days.

### **DBE Utilization**

The Department began its DBE race neutral program January 1, 2000. **Contract specific goals are not placed on Federal/State contracts;** however, the Department has an overall 8.60% DBE goal it must achieve. In order to assist contractors in determining their DBE commitment level, the Department has reviewed the estimates for this letting.

As you prepare your bid, please monitor potential or anticipated DBE utilization for contracts. When the low bidder executes the contract with the Department, information will be requested of the contractor's DBE participation for the project. While the utilization is not mandatory in order to be awarded the project, continuing utilization of DBE firms on contracts supports the success of Florida's DBE Program, and supports contractors' Equal Employment Opportunity and DBE Affirmative Action Programs.

Any project listed as 0% DBE availability does not mean that a DBE may not be used on that project. A 0% DBE availability may have been established due to any of the following reasons: limited identified subcontracting opportunities, minimal contract days, and/or small contract dollar amount. Contractors are encouraged to identify any opportunities to subcontract to DBE's.

Please contact the Equal Opportunity Office at (850) 414-4747 if you have any questions regarding this information. Forms may be downloaded at: [www.dot.state.fl.us/proceduraldocuments/](http://www.dot.state.fl.us/proceduraldocuments/) .

### **DBE Reporting**

If you are the prime contractor on a project, complete the Bidder Opportunity List through the Equal Opportunity Compliance system within 3 business days after the pre-construction or pre-work conference for all federal and state funded projects. This **will not** become a mandatory part of the contract. It will assist the Department in tracking and reporting planned or estimated DBE utilization. During the contract, the prime contractor is required to report actual payments to DBE and MBE subcontractors through the web-based Equal Opportunity Compliance (EOC) system.

All DBE payments must be reported whether or not you initially planned to utilize the company. In order for our race neutral DBE Program to be successful, your cooperation is imperative. If you have any questions, please contact EOOHelp@dot.state.fl.us.

### **Bid Opportunity List**

The Federal DBE Program requires States to maintain a database of all firms that are participating or attempting to participate on FDOT-assisted contracts. The list must include all firms that bid on prime contracts or bid or quote subcontracts on FDOT-assisted projects, including both **DBE's and non-DBEs**.

Please complete the Bidders Opportunity List through the Equal Opportunity Compliance system within 3 business days of submission of the bid or proposal for ALL subcontractors or sub-consultants who quoted to you for specific project for this letting. The web address to the Equal Opportunity Compliance system is:

<https://www3.dot.state.fl.us/EqualOpportunityCompliance/Account.aspx/Login?ReturnUrl=%2fEqualOpportunityCompliance%2f> .

### **DBE/AA Plans**

Contractors bidding on FDOT contracts are to have an approved DBE Affirmative Action Plan (FDOT Form 275-030-11B) on file with the FDOT Equal Opportunity Office before execution of a contract. DBE/AA Plans must be received with the contractors bid or received by the Equal Opportunity Office prior to the award of the contract.

Plans are approved by the Equal Opportunity Office in accordance with Ch. 14-78, Florida Administrative Code. Plans that do not meet these mandatory requirements may not be approved. Approvals are for a (3) three year period and should be updated at anytime there is a change in the company's DBE Liaison Officer and/or President. Contractors may evidence adoption of the DBE/AA Policy and Plan and/or a change in the designated DBE Liaison officer as follows:

- Print the first page of the document on company stationery ("letterhead") that indicates the company's name, mailing address, phone number, etc.
- Print the company's name in the "\_\_\_\_" space; next to "Date" print the month/day/year the policy is being signed; record the signature of the company's Chief Executive Officer, President or Chairperson in the space next to "by" and print the full first and last name and position title of the official signing the policy.
- Print the DBE Liaison's full name, email address, business mailing address and phone number the bottom of email.

E-mail the completed and signed DBE AA Plan to: **eeoforms@dot.state.fl.us**.

The Department will review the policy, update department records and issue a notification of approval or disapproval; a copy of the submitted plan will not be returned to the contractor.

## CHAPTER 2

### DISADVANTAGED BUSINESS ENTERPRISES

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## Section 2.1

### OVERVIEW

#### 2.1.1 Purpose

The Department's Disadvantaged Business Enterprise (DBE) Program is designed to assist small businesses owned and controlled by socially and economically disadvantaged individuals to participate on Department contracts. The objectives of the DBE Program are:

- (a) To ensure equal opportunity in the award and administration of DOT contracts in the Department's highway, transit, and airport construction programs;
- (b) To create a level playing field on which DBEs can compete fairly for DOT contracts;
- (c) To ensure that the Department's DBE program is narrowly tailored in accordance with applicable law;
- (d) To ensure that only firms that fully meet the eligibility standards are certified as DBEs;
- (e) To help remove barriers to the participation of DBEs in DOT contracts;
- (f) To assist in the development of firms that can compete successfully in the marketplace outside of the DBE program; and
- (g) To provide appropriate flexibility to recipients of Federal financial assistance in establishing and providing opportunities for DBEs.

#### 2.1.2 Scope

The Department's Disadvantaged Business Enterprise (DBE) Program encompasses both our federal and state funded highway and bridge program and all projects and contracts associated with this program. The scope of this section includes all the requirements associated with how the Florida Department of Transportation implements these federal regulations. In general, the State's DBE program mirrors the requirements of the federal program, but is analyzed and reported separately.

#### 2.1.3 Training

The EOC Computer Based Training (CBT) provides a brief overview of the EOC system. It demonstrates how to gain access to the system, how to prepare a sub-contractor list and a bidder's opportunity list and create sub agreements for sub-contractors and sub consultants. It also goes over how to put in DBE commitments as well as DBE payments, and also covers reports available in the system.

This training is intended for Prime Contractors, Prime Consultants and Local Agency Program (LAP) Resident Compliance Specialist. The link for the CBT Training is located in section 1.4 Directory of Compliance Websites & Addresses.

## **Section 2.2**

### **CERTIFICATION OF DISADVANTAGED BUSINESS ENTERPRISES**

#### **2.2.1 General**

The U.S. Department of Transportation (USDOT) requires all recipients of FAA, FTA, and FHWA federal funds to participate in a Unified Certification Program (UCP) within their respective states. The UCP provides "one stop shopping" for all firms seeking certification as a DBE in Florida. Therefore, the DBE certification of a firm will be accepted by all USDOT recipients in Florida. Certifying members certify DBEs in accordance with 49 CFR Parts 23 and 26.

Businesses are certified as a DBE for specific types of work for which they have the knowledge and resources to perform. Each DBE certification includes specific NAICS Codes as well as FDOT Specialty codes indicating the area(s) of their work which may be counted toward DBE utilization; these areas may change over time.

When a contractor uses a DBE on a federal aid project, only a single DBE certification letter or certificate from a certifying member is needed.

The Department can only report the participation of DBE's that are certified in the Department's DBE Directory. See Section 2.5 and 2.6 for additional information on reporting requirements. If there are questions about a firm's certification status, contact the certifying member. A list of certifying members is listed on the FDOT Equal Opportunity Office web site.

#### **2.2.2 Florida UCP DBE Directory**

A single DBE Directory allows for the identification and location of a certified firm authorized to participate in Florida's DBE program. The DBE Directory can be found on the FDOT Equal Opportunity Office (EOO) Website.

## **Section 2.3**

### **DBE AFFIRMATIVE ACTION PLAN**

#### **2.3.1 General**

Contractors are required to submit a DBE Affirmative Action Plan to ensure that all their subcontractors doing business with the Department are not discriminating on the basis of race, color, religion, national origin, disability, sex, or age in the administration of contracts with the Department.

#### **2.3.2 Disadvantaged Business Enterprise Affirmative Action Policy and Plan (DBE AA Plan)**

A sample DBE AA Policy and Plan is available on the FDOT Equal Opportunity Office website. The contractor's DBE AA Plan must include, at a minimum, the information contained in this sample. Plans that do not meet these mandatory requirements may not be approved.

A DBE Policy statement is included in the DBE AA Plan and should express the contractor's commitment to use Disadvantaged Business Enterprises in all aspects of contracting, outlines various levels of responsibility, and states the objectives of the program. The contractor's DBE Plan is to be circulated throughout the contractor's organization and to minority, female, and non-minority community and business organizations.

#### **2.3.3 DBE Liaison Officer**

The DBE Affirmative Action Plan includes identification of an appointed DBE Liaison Officer who is responsible for maintaining and monitoring the implementation of the Plan. This person will be the main contact for the Department for all issues related to the DBE Program and must be available to obtain any documents requested by the Department. The duties of the DBE Liaison Officer are included in the DBE AA Plan.

#### **2.3.4 Submission, Expiration and Renewal of DBE AA Plan**

Contractors bidding on FDOT contracts are to have an approved DBE Affirmative Action Plan on file with the FDOT Equal Opportunity Office before execution of a contract. DBE AA plans must be received with the contractor's bid or received by the FDOT Equal Opportunity office prior to the award of a contract.

DBE AA Plans are approved for a three (3) year period and should be updated prior to expiration or when there is a change in the DBE Liaison Officer and/or the Company official who signs the Plan.

Completed and signed DBE AA plans should be emailed to: [EEOforms@dot.state.fl.us](mailto:EEOforms@dot.state.fl.us).

The Department will review the plan, update department records, and issue a notification of approval or disapproval; a copy of the submitted plan will not be returned to the contractor.

### **2.3.5 Review and Compliance with DBE AA Plan**

The DBE Special Provisions included in executed contracts states that the DBE Affirmative Action Plan and commitment to carry out the plan is incorporated into and becomes a part of the awarded contract. The contractor's failure to keep these commitments is deemed noncompliance with the specifications and a breach of the contract.

The Department will monitor contractor compliance with the DBE specifications of the contract and the implementation of the contractor's DBE Affirmative Action Plan through formal reviews including contract compliance reviews. The DBE Affirmative Action Plan is not a requirement for Local Agency projects. However Local Agencies must comply with 49 CFR Part 26. Additionally, contractors with low DBE participation will be subject to a Title VI assessment to ensure that discrimination is not the factor for the lack of DBE utilization on Department projects.

The contractor will make all records available to the Department upon request.

## Section 2.4

### BID OPPORTUNITY REPORTING

#### 2.4.1 General Information

Federal regulations require the Department to create and maintain a bidders list. The purpose of the bidder's list is to provide as accurate data as possible about the universe of DBE and non-DBE contractors and subcontractors who seek to work on federally-assisted contracts and for use in helping to establish an annual DBE goal each year that would reflect the level of DBE participation expected absent the effects of discrimination. The Department uses a Bid Opportunity List to determine the number of ready, willing and able DBE's relative to all ready, willing and able businesses as the method to help determine the Department's annual DBE goal.

#### 2.4.2 Bid Opportunity Data and Submission

All contractors bidding on construction and design build contracts are to maintain information regarding the subordinate contractors solicited for bids and the specific type of work for which the bid was requested. All contractors must enter their bid opportunity information in the Equal Opportunity Compliance (EOC) system within 3 business days of submission of the bid or proposal for all subcontractors or subconsultants who quoted bids for federal aid projects.

The link to the EOC System is located in Chapter 1 Section 1.4 Directory of Compliance Websites & Addresses.

**Note:** All new Primes submitting a Bid will need to apply for the EOC Userid and Password.

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## Section 2.5

### DBE PARTICIPATION COMMITMENTS

#### 2.5.1 Purpose

Prime contractors report to the Department the names of DBEs, type(s) of work or specialty code(s), and the dollars awarded to DBEs as a subcontractors on specific contracts.

This information is reported to the Federal Highway Administration and it is the primary tracking mechanism used to measure the progress in achieving the Department's annual DBE goal. This information is also used to determine a contractor's annual letter grade for DBE participation.

#### 2.5.2 DBE Participation Commitments: Initial Submission and Revisions

Prime contractors on federal and nonfederal funded construction and design-build contracts are required to report and maintain information regarding planned and actual utilization of DBE's and the progress payments made to them. In October 2012, the reporting of this data transitioned from the submission of paper forms to the electronic entry of data into the department's Equal Opportunity Compliance (EOC) system and this electronic reporting was extended to include all existing/open contracts.

Prior to October 2012, planned DBE utilization data was reported on an 'Anticipated DBE Participation Statement' or 'ADBEPS' and different FDOT forms were used for the reporting based on the type of project: (275-030-11A: Anticipated DBE Participation Statement, 275-021-23: Anticipated DBE Participation Statement for Design Build Contracts and 275-030-12: Anticipated DBE Participation Statement for Local Agency Program). The EOC system eliminates the submission of these paper forms.

The prime contractor is required to enter anticipated DBE utilization data in the EOC system prior to the Preconstruction or Pre-Work Conference. Data recorded includes: DBE's company name, specialty code/NAICS code identifying work to be performed and the total contract amount.

Only the dollars that a DBE is anticipated to earn for work in areas for which they are certified and for which they will perform with their own workforce and equipment is to be reported. Only work performed in the specialty area/NAICS code that a DBE is certified in may be counted. Work performed in a specialty area/NAICS code a DBE is not certified in will not be counted for DBE utilization.

Primes are required to promptly report in the EOC System when DBE's are added or removed or contracted work or utilization dollars change. Changes and updates should not be held for end-of contract submittals. The system will automatically make some adjustments. If the Prime is not using any DBE Subcontractors on the project, they are required to indicate in EOC by clicking the zero DBE Utilization button under the DBE commitments tab.

Prime contractors who are certified DBEs must report the portion of the contract which will be performed directly by them with their own workforces. Other DBE subcontractors that the prime DBE anticipates using are also reported.

### 2.5.3 Counting a DBE's Participation

DBE Certification does not guarantee that the firm's work on a project will be counted as utilization towards FDOT's DBE goal. For services performed by a DBE firm to count toward the goal, the firm must perform a 'commercially useful function' and their work must be in the specialty area(s) for which the DBE firm is certified.

Some of the considerations used in determining what portion of a DBE work on a project may be counts toward the DBE goal are listed in Table 2.5.1. The Table is not an exhaustive list. FDOT may request additional information from the prime contractor and or DBE firm in order to determine which portions of work may be included as DBE participation.

### 2.5.3 Counting a DBEs Participation

DBE Certification does not guarantee that the firm's work on a project will be counted as utilization towards FDOT's DBE goal. For services performed by a DBE firm to count toward the goal, the firm must perform a 'commercially useful function' and their work must be in the specialty area(s) for which the DBE firm is certified.

Some of the considerations used in determining what portion of a DBE work on a project may be counts toward the DBE goal are listed in Table 2.5.1. The Table is not an exhaustive list. FDOT may request additional information from the prime contractor and or DBE firm in order to determine which portions of work may be included as DBE participation.

**Table 2.5.1  
Determining What Portion of a DBE's Work  
May be Counted Toward the Goal**

1.	The DBE firm is performing a commercially useful function.
2.	The work is in the specialty area(s) for which the DBE is certified.
3.	The work is actually performed by the DBE's own workforces.
4.	Supplies and equipment purchased or leased by the DBE are not affiliated with the prime.
5.	The cost of supplies and materials obtained by the DBE for the work is counted including purchases and leased equipment
6.	Reasonable fees or commissions charged by a DBE firm for providing a bona fide service, or for providing bonds or insurance required for performance of a DOT contract may be counted. Examples of bona fide services includes professional, technical, consultant, or managerial services,
7.	The value of work the DBE subcontracts to others is counted only if the work is subcontracted to another DBE. Work subcontracted to non DBE's is not counted.

#### **2.5.4 Newly Certified, Graduated and de-Certified DBEs**

During the term of a contract, prime contractors may report the utilization of firms that become certified beginning with the date of their certification.

DBE firms that graduate from the DBE program during the term of contract may be reported as DBE utilization throughout the term of the contract. On subsequent projects, the graduated DBE does not count as utilization.

None of the work performed by a decertified DBE may be counted as utilization

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## Section 2.6

### REPORTING ACTUAL PAYMENTS

#### 2.6.1 General

CFR 49 Part 26 requires the Department to track actual payments as well as commitments to DBEs. Additionally, the Department's Standard Specifications requires the reporting of actual payments to DBE and MBE subcontractors in the Equal Opportunity Compliance (EOC) system.

#### 2.6.2 Payment Reporting

Prime contractors are required to report in the EOC system monies paid from each monthly estimate to each DBE for the work performed in their certified area(s). If no payment is made to a DBE, the prime reports in the EOC system a zero payment.

Monthly, the prime must report each DBE's actual payment or the basis for a zero payment until such time that the DBE has been 'finalized or closed out' the project.

Resident Compliance Specialists and Local Agency staff monitor payment reporting activity. Payment reporting is an element in determining the prime contractors' Past Performance Rating on internal FDOT construction contracts.

Only that portion of the payment associated with the performance of a commercially useful function by DBE's performing work in the area(s) for which they are certified are to be reported. Payments for the following should not be reported:

- Work performed by the DBE in areas for which they are not certified.
- Work subcontracted to non DBE's.

Payments submitted in the EOC System, will be negatively offset if a commercially useful function cannot be determined or if the DBE (excluding DBE Truckers) does not self perform a minimum of 30% of their contract. The prime will enter a negative payment amount equal to the amount reported which is not counted for DBE credit.

#### 2.6.3 EOC System Access

Refer to Workbook Section 1.3.4, How to Access the System; Addressing System Problems for problems with access or entering payments.

## **Section 2.7**

### **MONITORING**

#### **2.7.1 General**

When a DBE participates in a contract, only the value of the work actually performed by the DBE is counted as DBE participation.

A DBE firm performs a commercially useful function (CUF) when it is responsible for execution of a distinct element of the work with its own workforce and it carries out its responsibilities by actually performing, managing and supervising the work involved.

CUF monitoring reports will be done, at a minimum, during each of the DBE's first three active months to determine if DBE's on federally funded contracts are performing a CUF.

Additional CUF Monitoring Reports or other special reviews may be initiated and/or required. FDOT Form 275-021-18 "Commercially Useful Function DBE Monitoring Report" is used to record each observation and review. CUF's are performed on DBE primes and DBE subcontractors.

#### **2.7.2 Counting the Value of Work**

When a DBE participates in a contract, only the value of the work actually performed by the DBE is counted as DBE participation.

Count the entire amount of that portion of a construction contract 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 subcontractor purchases or leases from the prime contractor or its affiliate).

Count toward the DBE goal, 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, provided they are reasonable and not excessive when compared with fees customarily allowed for similar services.

#### **2.7.3 Considerations in Determining Commercially Useful Function**

Count expenditures to a DBE contractor toward DBE goals only if the DBE is performing a commercially useful function on that contract. Considerations in determining commercially useful function include the following;

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, the Department must evaluate the

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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, the Department must examine similar transactions, particularly those in which DBE's do not participate.

3. If a DBE does not perform or exercise responsibility for at least 30 percent 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, the Department must presume that it is not performing a commercially useful function. The 30% requirement does not apply to DBE Trucking.

4. When a DBE is presumed not to be performing a commercially useful function as provided in paragraphs 2 and 3, the DBE may present evidence to rebut this presumption. The Department may determine that the firm is performing a commercially useful function given the type of work involved and normal industry practices.

#### **2.7.4 DBE's Subcontracting work to others & Joint Ventures**

When a DBE subcontracts part of its work to another firm, the value of the subcontracted work is counted only if the work is subcontracted to another DBE. Work that a DBE subcontracts to a non DBE firm does not count toward DBE goals.

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 participation

#### **2.7.5 Commercially Useful Function of DBE Trucking Companies**

Considerations in determining whether a DBE trucking company is performing a commercially useful function include the following:

1. The DBE must be responsible for the management and supervision of the entire trucking operation for which it is responsible on a particular contract, and there cannot be a contrived arrangement for the purpose of reporting DBE participation.
2. The DBE must own and operate at least one fully licensed, insured, and operational truck used on the contract.
3. The DBE receives credit for the total value of the transportation services it provides on the contract using trucks it owns, insures, and operates using drivers it employs.
4. If a DBE leases trucks from another DBE firm, including an owner-operator who is certified as a DBE. The DBE who leases trucks from another DBE receives credit for the total value of the transportation services the lessee DBE provides on the contract.
5. A lease must indicate that the DBE has exclusive use of and control over the truck. This does not preclude the leased truck from working for others during the term of the

lease with the consent of the DBE, as long as the lease gives the DBE absolute priority for use of the leased truck. Leased trucks must display the name and identification number of the DBE

### 2.7.6 Calculating DBE Utilization for Truckers

The DBE may also lease trucks from a non-DBE or other business enterprise (OBE), including owner operators. The value of services from OBE trucking may be equal to or less than the value of services provided by all DBE trucks; the value of Non-DBE trucking cannot exceed the total value of DBE trucking.

Utilization credit is given only for the fee or commission associated with excess services provided by non-DBE trucking. These fees or commissions are stated in the trucking agreements.

The Department has received authorization from FHWA to count DBE trucking utilization credit using the percentage (%) of fees or commission associated with excess services provided by non-DBE trucking companies that are not counted in the match. The DBE Trucking Ledger has been updated and renamed the DBE Trucking Certification (Form 275-030-14) to capture this data with automated calculation capabilities.

An example of this approved methodology (percentage of fees or commissions versus the counting of trucks) is noted below:

Total Invoice Amount for DBE Trucking Firm ABC is \$12,060.

Total DBE Dollars	\$1,920
Total OBE Dollars	\$9,130
OBE Commissions	\$1,010

Total DBE Dollars	\$1,920 (All DBE dollars)
Total OBE Dollars	\$1,920 (OBE dollars permitted for matching)

Note: \$1920 represents 21% of the OBE dollars, match cannot exceed DBE dollars (\$1920/9130=.21 or 21%)

Total OBE Commissions	\$798 (Included for DBE credit)
Note: \$1010 X .79 or 79% =	\$798

Since 21% of the OBE transportation service was included in the match, 79% of the total fees and commission is counted for DBE credit- replacing the need to count the number of trucks not used in the match.

DBE Credit Total	\$4,638
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DBE Trucking credit- this amount is the total which appears in the EOC system.

#### 2.7.6.1 DBE Trucking Certification

DBE Utilization that includes off-site hauling requires the submission to the RCS of a contractual document (sublet, subcontract, rental agreement etc.) describing the scope of trucking operations and the commissions/fee rate in order to verify DBE utilization calculations. Project staff may utilize the Trucker's Observation & Verification (Form 700-010-610) to verify both the owner operator and/or the DBE status of individual trucks.

Prime contractors reporting commitments for DBE trucking are required to submit each month a DBE Trucking Certification (FDOT Form 275-030-14) reflecting actual trucking operations. The report is due beginning with the first month and ending with the last; inactive months are reported as such.

The DBE Trucking Certification, along with other records will enable confirmation of a commercially useful function and the accurate calculation of DBE Utilization as described in Section 2.7.5.

### **2.7.7 DBE Manufacturers and Suppliers**

Considerations in determining if expenditures with DBE's for materials or supplies may be counted for DBE utilization include the following:

1. If the materials or supplies are obtained from a DBE manufacturer, count 100 percent of the cost of the materials or supplies toward DBE participation. For purposes of this section, a regular dealer is a firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials, supplies, articles or equipment of the general character described by the specifications and required under the contract are bought, kept in stock, and regularly sold or leased to the public in the usual course of business.

- (a) To be a regular dealer, the firm must be an established, regular business that engages, as its principal business and under its own name, in the purchase and sale or lease of the products in question.

- (b) A person may be a regular dealer in such bulk items as petroleum products, steel, cement, gravel, stone, or asphalt without owning, operating, or maintaining a place of business, if the person both owns and operates distribution equipment for the products. Any supplementing of regular dealers' own distribution equipment shall be by a long-term lease agreement and not on an ad hoc or contract-by-contract basis.

- (c) Packagers, brokers, manufacturers' representatives, or other persons who arrange or expedite transactions are not regular dealers.

2. If the materials or supplies are purchased from a DBE regular dealer, count 60 percent of the cost of the materials or supplies toward DBE participation.

3. With respect to materials or supplies purchased from a DBE which is neither a manufacturer nor a regular dealer, count the entire amount of fees or commissions charged for assistance in the procurement of the materials and supplies, or fees or transportation charges for the delivery of materials or supplies required on a job site, toward DBE participation, provided you determine the fees to be reasonable and not excessive as compared with fees customarily allowed for similar services. Do not count any portion of the cost of the materials and supplies themselves toward DBE participation.

4. FDOT monthly and final estimates are referenced in verifying supplier quantities.

## **2.7.8 Contractor Records for Commercially Useful Function Verification**

Contractors are to maintain and make available to the Department when so requested, records substantiating the performance of commercially useful functions by DBE contractors and suppliers as part of their compliance with FDOT Specification 3-8, "Audit of Contractor's Records". Contractor records which may be reviewed to substantiate commercially useful function include, but are not limited to:

- Contracts, subcontracts, rental agreements
- Delivery Tickets
- Invoices
- Lease Agreements
- Hauling Tickets
- Contractor's Daily Trucking Record
- FDOT DBE Trucking Certification
- DBE Trucking Ledger
- Canceled checks
- Bank Records
- Equipment Titles of Ownership
- Material/Supply Agreements
- Payroll Records

Department records which will be reviewed to confirm commercially useful function include but are not limited to:

- EOC Commitments
- Daily Reports and project photos
- EOO Subcontractor Payments
- Commercially Useful Function Monitoring Reports
- Trucker Observation and Verification
- FDOT DBE Trucking Certification
- DBE Trucking Ledger
- EEO/Labor Interviews
- Payroll records
- DBE Directory

In the assessment of CUFs, districts should request copies of invoices based on the following factors:

1. The DBE is a material supplier, manufacturer, or regular dealer on a project.
2. There is a concern that the DBE is not performing a CUF and invoices are needed for further verification.

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## Section 2.8

### PRIME CONTRACTOR GRADING SYSTEM

#### 2.8.1 General

The Department's annual DBE goal is posted on the EEO Website. The Department tracks DBE participation monthly to monitor achievement. A Prime Contractor Grading System was implemented to reflect and highlight a contractor's commitment to using DBEs on Department projects. The grading scale is applied to all prime contractors with contract awards totaling \$1.5 million or more. Prime contractors awarded \$1.5 million or more are graded based on their DBE participation during the federal fiscal year (October 1 to September 30).

Additionally, routine Title VI Assessments on prime contractors are conducted where the Department determines that an unacceptable level (less than 2%) of DBE participation is noted on contracts. The purpose is to ensure that discrimination is not the factor for the lack of DBE utilization on Department projects.

#### 2.8.2 Grading Scale

Based on the DBE Commitments reported to the Equal Opportunity Office, prime contractors receive a letter grade, A+ thru F. The letter grade is based on the prime contractor's total contracts awarded, total anticipated DBE commitments, and DBE percentage during the reporting period. The grading scale is applied to all prime contractors with contract awards totaling \$1.5 million or more. Prime contractors with total contract awards below the \$1.5 million threshold do not receive a letter grade except those earning an A+ or A grade.

<b>A+</b>	<b>8.51% and Above</b>
<b>A</b>	<b>8.5% to 6.76%</b>
<b>B</b>	<b>6.75% to 5.01%</b>
<b>C</b>	<b>5.0% to 3.51%</b>
<b>D</b>	<b>3.5% to 1.51%</b>
<b>F</b>	<b>1.5% and Below</b>

The Department and the Districts issue various written and verbal communications to prime contractors regarding their companies' DBE achievements.

## **Section 2.9**

### **SUPPORTIVE SERVICES**

#### **2.9.1 General**

The Supportive Services Program is structured to promote the Department's efforts to provide customized training in the form of managerial and technical assistance to DBEs and small businesses in order to increase prime and subcontracting opportunities. The Department is committed to its efforts to promote meaningful participation by disadvantaged and small business contractors and consultants in highway construction projects throughout the State of Florida.

The primary goal of the Supportive Services Program is to increase the number of DBEs and small businesses participating in Department contracts and the percentage of dollars awarded to DBEs and small businesses by:

- Matching prime contractors/consultants with certified DBEs and small businesses as a subcontractor/sub-consultant/supplier;
- Assisting certified DBEs and small businesses in becoming prime contractors/consultants; and
- Assisting certified DBEs and small businesses in obtaining contracts as prime contractors/consultants on Department projects.

#### **2.9.2 DBE Supportive Services**

The Department provides supportive services to DBEs conducting business with or seeking to conduct business with the Department. Supportive services are those activities and services that are designed to contribute to the growth and eventual self-sufficiency of DBEs so that they may achieve proficiency in competing for contracts and subcontracts. The purpose of the DBE Supportive Services Program is to increase the number of certified DBEs participating in the highway program and to contribute to the growth and eventual self-sufficiency of DBE firms. The Department's statewide DBE Supportive Services provider provides managerial and technical assistance to certified DBEs participating in the highway program at no cost. Participation in the DBE Supportive Services Program is open to firms certified as a DBE by the Florida Unified Certification Program.

The DBE Supportive Services provider is available to assist prime contractors with locating DBEs on the Department's online business directory and matching primes with DBEs for subcontracting/sub consulting/supplier opportunities. Another opportunity for prime contractors to identify DBEs for subcontracting and consulting/supplier opportunities is to participate in DBE Matchmaker Conferences. The Department's DBE Supportive Services provider is charged with planning, coordinating, and hosting a minimum of four (4) DBE Matchmaker Conferences statewide designed to assist DBEs in meeting with prime contractors to discuss future working relationships and to educate DBEs and non certified minority and women-owned firms about doing business with FDOT. Contact information for the Department's DBE Supportive Services provider(s) is available on the Equal Opportunity Website.

#### **2.9.3 Prime Contractor DBE Utilization Assistance**

The primary goal of the Department's DBE Specialized Development Program is to increase the number of DBEs participating on FDOT's largest contracts and the dollars awarded to them by assisting prime contractors and facilitating the development of DBEs in obtaining contracts.

Contact information for the Department's DBE Specialized Development Program Supportive Services provider(s) is available on the Equal Opportunity Website.

#### **2.9.4 Construction Management Development Program (CMDP) and Bond Guarantee Program (BGP)**

The **Construction Management Development Program (CMDP)** is a voluntary program designed to improve and develop the skills of small business owners and managers enabling them to perform successfully on FDOT construction projects. Courses offered are *Business Management, Construction Accounting, Construction Math and Estimating, Contracts, Specification and Law, Scheduling for FDOT and Plan Reading for FDOT*. Participation in the CMDP is open to firms certified as a DBE by the Florida Unified Certification Program or a small business firm whose annual gross receipts do not exceed \$2 million dollars average over the last three year period.

The **Bond Guarantee Program (BGP)** is a financial support program which the State of Florida acts as a second surety, guaranteeing the construction bonds for DBEs working on FDOT projects. Participation in the BGP is limited to those DBEs who have been awarded a *Certificate of Proficiency* and have documented knowledge of the principals of construction bonding. Services under the BGP include: *Packaging Bond Applications, Construction Bond Principals Seminars and Overhead Audits*, a onetime free service for DBEs seeking pre-qualification as a consultant.

For more information or assistance regarding the CMDP-BGP contact:

Construction Estimating Institute  
5016 Calle Minorga,  
Sarasota Florida 34242  
Toll Free: (800) 423-7058

## Section 2.10

### DBE FORMS & DOCUMENTS

This is a list of forms and documents referenced in this chapter. Following this page, in numerical order are the forms.

#### NUMERICAL SEQUENCE

FDOT Form No.	Document Title	Work Book Section
275-021-18	Commercially Useful Function DBE Monitoring Report	2.7
275-030-11	DBE Bid Package Information	2.0
275-030-11B	DBE/AA Plan	2.3
275-030-14	DBE Trucking Certification	2.7
700-010-61	Trucker Observation and Verification	2.7

#### ALPHABETICAL SEQUENCE

Document Title	FDOT Form No.	Work Book Section
Commercially Useful Function DBE Monitoring Report	275-021-18	2.7
DBE/AA Plan	275-030-11B	2.3
DBE Bid Package Information	275-030-11	2.0
DBE Trucking Certification	275-030-14	2.7
Trucker Observation and Verification	700-010-61	2.7

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

# COMMERCIALLY USEFUL FUNCTION (CUF) DBE MONITORING REPORT

## SECTION 1: PROJECT IDENTIFICATION

1. Financial Project No.	2. F.A.P. No.	3. Contract No.	4. County	5. District
6. Prime Contractor	7. FEID No.	8. Contract Begin Date	9. Est. Completion Date	10. Is Prime a DBE? <input type="checkbox"/> No <input type="checkbox"/> Yes

## SECTION 2: DBE IDENTIFICATION

11. DBE's FEID No.	12. DBE Co. Name
13. Mailing address & phone number used for project communication Phone ( )	
14. NAICS / Specialty Codes (from DBE's Profile in FDOT DBE Directory)	NAICS/ Specialty Code
15. DBE's function on this Contract <input type="checkbox"/> Subcontractor <input type="checkbox"/> Rental Agreement without operator <input type="checkbox"/> Rental Agreement with operator	16. DBE's Begin date
17. If DBE is a Subcontractor, Identify tier.	<input type="checkbox"/> 1st Tier <input type="checkbox"/> 2nd Tier <input type="checkbox"/> 3rd Tier
18. Name of company DBE is subordinate to (or 'Prime' if 1st tier)	<input type="checkbox"/> Prime

## SECTION 3: OBSERVATION OF DBE'S, WORK, WORKFORCE & EQUIPMENT

19. Date Observed	20. Observer's Name (first & last)				
21. Description of work being performed					
22. Foreman's name (first/last) & employer	Name Employer				
23. Number & type of workers (exclude foreman)					
24. Number and type of equipment & tools used <input type="checkbox"/> None					
TRUE	FALSE	25. WORKFORCE OF THE DBE:	TRUE	FALSE	26. EQUIPMENT OF THE DBE:
<input type="checkbox"/>	<input type="checkbox"/>	A. Uniforms have DBE's Co. name <input type="checkbox"/> No uniforms	<input type="checkbox"/>	<input type="checkbox"/>	A. Name is painted or a permanent decal <input type="checkbox"/> No name on any <input type="checkbox"/> No name on some
<input type="checkbox"/>	<input type="checkbox"/>	B. Only Workers/Foremen from the DBE company are performing the work	<input type="checkbox"/>	<input type="checkbox"/>	B. Name on equipment is DBE Co. name (box 12)
<input type="checkbox"/>	<input type="checkbox"/>	C. DBE appears to control/supervise their own work	<input type="checkbox"/>	<input type="checkbox"/>	C. DBE appears to be using their own equipment
27. Observer's comments: <input type="checkbox"/> N/A					

## SECTION 4: DBE ADMINISTRATIVE REVIEW

28. Date Reviewed	29. Reviewer's Name:	30. ADBEPS amount			
TRUE	FALSE	31. Observ. VS Payrolls, Daily Work Report, Bizweb	TRUE	FALSE	34. DBE Sublet & ADBEPS Data
<input type="checkbox"/>	<input type="checkbox"/>	A. DBE's Payroll reflects no. & type of workers in #23	<input type="checkbox"/>	<input type="checkbox"/>	A. Observed work is included in DBE's certified areas (Box 14)
<input type="checkbox"/>	<input type="checkbox"/>	B. Daily Diary reflects foreman (#22) and workers (#23)	<input type="checkbox"/>	<input type="checkbox"/>	B. Observed work is listed on the ADBEPS
<input type="checkbox"/>	<input type="checkbox"/>	C. Payrolls from other contractors do not include the names of the DBE's employees or the DBE's foreman	<input type="checkbox"/>	<input type="checkbox"/>	C. DBE has not subcontracted to other companies. If False (DBE has subcontracted work to others) List the companies DBE - Y or N
<input type="checkbox"/>	<input type="checkbox"/>	D. Payments to DBE are in EOR System <input type="checkbox"/> Too close to DBE's begin date (see Box 18)			
33. Reviewer's Comments <input type="checkbox"/> None					
34. Attachments: Mark 'Y' or 'NA'		Daily Work Report	DBE's Certified Payroll		
		Certification of Sublet Work w/Schedule A	Notice of Rental Agreements		
		Notification for Use of Temporary Employment Agency	DBE Directory-print out of DBE's		
		EOR payment screens	Photos of DBE's work		

## SECTION 5: RECORD OF REPORT REVIEW

34. Title	36. First & last name-print/type	37. Signature	38. Date	39. Recorded data reflects CUF
Proj Adm.				<input type="checkbox"/> more investigation <input type="checkbox"/> Yes
DCCM				<input type="checkbox"/> more investigation <input type="checkbox"/> Yes

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

**State of Florida Department of Transportation  
 Commercially Useful Function (CUF) DBE Monitoring Report Instructions for Completing Form**

**Scope:** This form is used on Federally Assisted Construction Projects, including ARRA & LAP, to affirm the commercially useful function characteristics of Disadvantaged Business Enterprise ('DBE') subcontractors.

<b>When is form 275-021-18 used?</b>	<b>DBE Prime or DBE Subcontractor (any tier)</b>	<b>DBE Trucker- (any tier)</b>	<b>DBE Material Supplier or DBE Manufacturer</b>
Federally funded ("FAP") Construction Project	Yes	No	No
State Funded Construction Project	No	No	No
Professional Services Company on: State funded or FAP Construction Project	No	No	No
Professional Services Company on State funded or FAP Professional Services Contract	No	No	No

**General:**

- > The purpose of this form is to record data evidencing compliance or noncompliance with DBE program requirements. One day's observation of one DBE company is recorded on a form.
- > If observation covers more than one day, a form is used for each day.
- > If more than one DBE firm is observed on a day, a form is completed for each DBE company each day.

**Form Preparation:**

- > The RCS should complete Sections 1 and 2 and Box 36 in Section 5 as soon as a DBE is listed on an Anticipated DBE Participation Statement (Forms 275-030-12 or 275-030-11A).
- > At least three (3) copies should be made of the prepared form and they should be organized in such a manner that the RCS can readily distribute a copy of the form to a field inspector as soon as it is determined the DBE is active on the project.
- > Following the first observation, the RCS distributes the form at least two more times (each succeeding month) so that a minimum of three (3) forms are completed during the DBE's first three active months.

**Field Observation:**

- > The inspector (or other FDOT representatives in the field) completes Section 3 of the form based on their actual observation of the DBE's workforce, supervisor, equipment and work performed on a single day.
- > The completed form is returned to the RCS.

**Administrative Review:**

- > The RCS should promptly review the Observation section when the report is turned in and request any clarification.
- > Section 4 is completed by the RCS once the DBE's certified payroll for the date observed is received; which may be up to two weeks after the observation.
- > Several project records (Box 34) are referenced by the RCS in completing Section 4 and they are attached to the completed form when it is referred to the Project Administrator and District Contract Compliance Manager for signature and review.

**Section 1: Project Identification**

- Box 1: Fin. Proj No.** - the Financial Project Number
- Box 2: FAP No.** - the Federal Aid Project Number assigned to federally funded projects
- Box 3: Contract No.** - the project's contract number.
- Box 4: County** - county or counties project work is being performed in
- Box 5: District** - the FDOT District number designation where the project is located (Districts are 1-7, and the Turnpike District).
- Box 6: Prime Contractor Name** - the name of the prime contractor.
- Box 7: FEID No.** - the Prime contractor's Federal Identification Number
- Box 8: Contract Begin Date** - starting month/day/year
- Box 9: Estimated Completion Date**- month/day/year the contract is expected to be complete  
 Note: this box may require updating during the term of the project
- Box 10: Is Prime a DBE?** - refer to DBE Directory and indicate yes or no

**Section 2: DBE Identification**

- Box 11: DBE's FEID No.** -the DBE contractor's Federal Identification Number
- Box 12: DBE Co. Name** - name of the DBE firm.
- Box 13: DBE'S mailing address and phone used for project communication**- street, city, state, zip code and full phone number of DBE
- Box 14: NAICS / Specialty Code**- refer to the DBE Directory data for the DBE firm and record each of their NAICS Specialty codes (up to 6)
- Box 15: DBE's function on this contract**- mark the appropriate function
- Box 16: DBE's Begin Date** -month/day/year DBE began work on the contract
- Box 17: If DBE is a subcontractor, identify their tier**- (1<sup>st</sup> tier is directly under the prime)
- Box 18: Name of Contractor DBE is Subordinate to**- mark prime if first tier or indicate the name of the firm the DBE is subordinate to

**Section 3: Observation of DBE's Work and Workforce**

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

This is a record of activity observed throughout one work day or at single time on one day.

**OBSERVATION OF WORK**

**Box 19: Date observed-** month/day/year work was observed

**Box 20: Observer's Name-** first and last name of observer for the Department

**Box 21: Description of Work Performed-** brief statement of the work the DBE was seen performing.

**Box 22: Foreman's name (first/last) and their employer-**ask the foreman for this information. If there is no foreman, provide the name of the individual directing the work.

**Box 23: Number and type of workers (exclude the foreman)-**list the number and type of workers engaged in the work e.g. common, skilled, equipment operator.

**Box 24: Number and type of equipment and hand tools in use-** mark none or list the number and type e.g., 1-concrete vibrator, 1-water truck, 2-hammers etc.

**Box 25: OBSERVATION OF DBE'S WORKFORCE** Three questions are asked to determine if the DBE appears to be employing their own workers Mark true or false to each.

- A. The Uniforms have DBE's Co. name? – may also mark 'no uniforms'
- B. Only Workers/foreman of the DBE Company is performing the work; Workers, foremen and/or superintendents of other subs or the prime are not involved in the work of the DBE?
- C. DBE appears to control/supervise its own work?

**Box 26: OBSERVATION OF EQUIPMENT DBE IS USING** Three questions are asked to determine if the DBE appears to have its own equipment and is not using the equipment of the prime or another subcontractor. Mark True or False

- A. Name is painted or a permanent decal? –may also mark 'no name on any equipment' or 'no name on some'
- B. Name (on equipment) is the DBE's company name (box 12)?
- C. DBE appears to be using its own equipment?

**Box 27: Observer comments-**mark 'None' or clarify data/ note concerns

**Section 4: DBE Administrative Review**

**Box 28: Date Reviewed-** month/day/year Section 4 is being completed

**Box 29: Reviewer's Name-** first and last name of person completing Section 4; usually, the RCS

**Box 30: ADBEPS Amount-** The dollar amount for this DBE on the most recent Anticipated DBE Participation Statement (ADBEPS)

**Box 31: OBSERVATION VS PAYROLLS, DAILY WORK REPORT & BIZWEB** Four questions are asked comparing the observation to project records. Mark true or false to each. The following records are needed for this section: DBE's payroll that includes observation date, Daily Work Report for observation date, EOR screen print for payment period(s) associated with observation date.

- A. DBE's Payroll reflects no. & type of workers in #23?
- B. Daily diary reflects foreman (#22) and workers (#23)?
- C. Payrolls from other contractors do not include the names of the DBE's employees or the DBE's foreman?
- D. Payments to DBE are in EOR System? Mark 'too close to begin date' if there are no payments. Note that payments may start 30-90 days after the DBE's begin date.

**Box 32. DBE Sublet & ADBEPS Data** Three questions are asked to determine if the DBE is doing the work intended in the sublet. Mark yes or no

- A. Observed work is included in DBE's Certified Areas- compare observed work ( box 21, 23, 24) with NAICS code description
- B. Observed work is listed on ADBEPS- compare observed work (box 21, 23, 24) with description on ADBEPS form
- C. The DBE has not subcontracted to other companies.

If the DBE has subcontracted to other companies, mark FALSE and name the company and indicate if that company is a DBE

**Box 33 Reviewer's Comments** -mark 'None' or clarify data/ note concerns

**Box 34: Attachments** -collect pertinent documents. Note that some, such as the Rental Agreement or Temporary Agency forms may not apply.

- Daily Work Report (from Site manager or Construction Dashboard) or Daily Report of Construction (700-010-13)
- Certification of Sublet Work involving DBE with Schedule A (700-010-36)
- Notification for Use of Temporary Employment Agency/Day Laborers Involving DBE (275-021-15)
- EOR payment screens for months following Observation Date- including screens showing zero payment
- DBE's certified payroll/Wage and Hour record (700-010-69)
- Notice of Rental Agreements involving DBE (700-010-11)
- DBE Directory- print out of DBE's 'Profile' screen
- Photos of DBE's work on Observation date (if available)

Mark Y (yes) or NA to indicate if the document is or is not attached.

<input type="checkbox"/>	Daily Work Report
<input type="checkbox"/>	Certification of Sublet Work w/ Schedule A
<input type="checkbox"/>	Notification for Use of Temporary Employment Agency
<input type="checkbox"/>	EOR payment screens

<input type="checkbox"/>	DBE's Certified payroll
<input type="checkbox"/>	Notice of Rental Agreements
<input type="checkbox"/>	DBE Directory- print out of DBE's
<input type="checkbox"/>	Photos of DBE's work

**Section 5: Record of Report Review**

**Box 35:** The RCS completes box 36 – names of reviewers-Project Administrator and the District Contract Compliance Manager,

Once all data in Sections 1 through 4 are complete, submit the CUF form along with the attachments marked Y in Box 34 to the Project Administrator and then to the District Contract Compliance Manager. When the form and its attachments are returned and signed by both, retain the form and the attachments as one document package. If either party marks "more investigation" in Box 38 coordinate a review meeting with the Project Administrator and DCCM.

### **DBE Utilization**

The Department began its DBE race neutral program January 1, 2000. **Contract specific goals are not placed on Federal/State contracts;** however, the Department has an overall 8.60% DBE goal it must achieve. In order to assist contractors in determining their DBE commitment level, the Department has reviewed the estimates for this letting.

As you prepare your bid, please monitor potential or anticipated DBE utilization for contracts. When the low bidder executes the contract with the Department, information will be requested of the contractor's DBE participation for the project. While the utilization is not mandatory in order to be awarded the project, continuing utilization of DBE firms on contracts supports the success of Florida's DBE Program, and supports contractors' Equal Employment Opportunity and DBE Affirmative Action Programs.

Any project listed as 0% DBE availability does not mean that a DBE may not be used on that project. A 0% DBE availability may have been established due to any of the following reasons: limited identified subcontracting opportunities, minimal contract days, and/or small contract dollar amount. Contractors are encouraged to identify any opportunities to subcontract to DBE's.

Please contact the Equal Opportunity Office at (850) 414-4747 if you have any questions regarding this information. Forms may be downloaded at: [www.dot.state.fl.us/proceduraldocuments/](http://www.dot.state.fl.us/proceduraldocuments/) .

### **DBE Reporting**

If you are the prime contractor on a project, complete the Bidder Opportunity List through the Equal Opportunity Compliance system within 3 business days after the pre-construction or pre-work conference for all federal and state funded projects. This **will not** become a mandatory part of the contract. It will assist the Department in tracking and reporting planned or estimated DBE utilization. During the contract, the prime contractor is required to report actual payments to DBE and MBE subcontractors through the web-based Equal Opportunity Compliance (EOC) system.

All DBE payments must be reported whether or not you initially planned to utilize the company. In order for our race neutral DBE Program to be successful, your cooperation is imperative. If you have any questions, please contact EOOHelp@dot.state.fl.us.

### **Bid Opportunity List**

The Federal DBE Program requires States to maintain a database of all firms that are participating or attempting to participate on FDOT-assisted contracts. The list must include all firms that bid on prime contracts or bid or quote subcontracts on FDOT-assisted projects, including both **DBE's and non-DBE's**.

Please complete the Bidders Opportunity List through the Equal Opportunity Compliance system within 3 business days of submission of the bid or proposal for ALL subcontractors or sub-consultants who quoted to you for specific project for this letting. The web address to the Equal Opportunity Compliance system is:

<https://www3.dot.state.fl.us/EqualOpportunityCompliance/Account.aspx/Login?ReturnUrl=%2fEqualOpportunityCompliance%2f> .

### **DBE/AA Plans**

Contractors bidding on FDOT contracts are to have an approved DBE Affirmative Action Plan (FDOT Form 275-030-11B) on file with the FDOT Equal Opportunity Office before execution of a contract. DBE/AA Plans must be received with the contractors bid or received by the Equal Opportunity Office prior to the award of the contract.

Plans are approved by the Equal Opportunity Office in accordance with Ch. 14-78, Florida Administrative Code. Plans that do not meet these mandatory requirements may not be approved. Approvals are for a (3) three year period and should be updated at anytime there is a change in the company's DBE Liaison Officer and/or President. Contractors may evidence adoption of the DBE/AA Policy and Plan and/or a change in the designated DBE Liaison officer as follows:

- Print the first page of the document on company stationery ("letterhead") that indicates the company's name, mailing address, phone number, etc.
- Print the company's name in the "\_\_\_\_" space; next to "Date" print the month/day/year the policy is being signed; record the signature of the company's Chief Executive Officer, President or Chairperson in the space next to "by" and print the full first and last name and position title of the official signing the policy.
- Print the DBE Liaison's full name, email address, business mailing address and phone number the bottom of email.

E-mail the completed and signed DBE AA Plan to: **[ecofirms@dot.state.fl.us](mailto:ecofirms@dot.state.fl.us)**.

The Department will review the policy, update department records and issue a notification of approval or disapproval; a copy of the submitted plan will not be returned to the contractor.

\_\_\_\_\_ hereafter referred to as "the Company" or "this Company" has adopted this policy and plan.

Date: \_\_\_\_\_ By: \_\_\_\_\_ Signature  
Corporate FEID No.: \_\_\_\_\_ Printed name & title

## DISADVANTAGED BUSINESS ENTERPRISE ('DBE') AFFIRMATIVE ACTION PLAN

### POLICY STATEMENT

It is the policy of this Company that disadvantaged businesses, as defined by 49 CFR Part 26, Subpart D and implemented under Rule Chapter 14-78, F.A.C., shall have the opportunity to participate as subcontractors and suppliers on all contracts awarded by the Florida Department of Transportation (FDOT).

The requirements of Rule Chapter 14-78, F.A.C., shall apply to all contracts entered into between FDOT and the Company. Subcontractors and/or suppliers to the Company will also be bound by the requirements of Rule Chapter 14-78 F.A.C. and its subcontractors shall take all necessary and reasonable steps in accordance with Chapter 14-78, F.A.C., to ensure that disadvantaged businesses have the opportunity to compete and perform work contracted with FDOT. The Company and its subcontractors shall not discriminate on the basis of race, color, religion, national origin, disability, sex, or age in the administration of contracts with FDOT. The Company has designated and appointed a Liaison Officer to develop, maintain, and monitor the DBE Affirmative Action Plan implementation. The Liaison Officer will be responsible for disseminating this policy statement throughout the Company and to disadvantaged controlled businesses. This statement is posted on notice boards of the Company.

### I. DESIGNATION OF LIAISON OFFICER

The Company will aggressively recruit disadvantaged businesses as subcontractors and suppliers for all contracts with FDOT. The Company has appointed a Liaison Officer to develop and maintain this Affirmative Action Plan in accordance with the requirements of Rule Chapter 14-78, F.A.C. The Liaison Officer will have primary responsibility for developing, maintaining, and monitoring the Company's utilization of disadvantaged subcontractors in addition to the following specific duties:

- (1) The Liaison Officer shall aggressively solicit bids from disadvantaged business subcontractors for all FDOT contracts;
- (2) The Liaison Officer will submit all records, reports, and documents required by FDOT, and shall maintain such records for a period of not less than three years, or as directed by any specific contractual requirements of FDOT.

The following individual has been designated Liaison Officer with responsibility for implementing the Company's affirmative action program in accordance with the requirements of FDOT.

#### DBE LIAISON OFFICER:

NAME:  
TITLE:  
EMAIL:  
ADDRESS:

## II. AFFIRMATIVE ACTION METHODS

In order to formulate a realistic Affirmative Action Plan, the Company has identified the following known barriers to participation by disadvantaged subcontractors, before describing its proposed affirmative action methods:

1. Lack of qualified disadvantaged subcontractors in our specific geographical areas of work;
2. Lack of certified disadvantaged subcontractors who seek to perform FDOT work;
3. Lack of interest in performing on FDOT contracts;
4. Lack of response when requested to bid;
5. Limited knowledge of FDOT plans and specifications to prepare a responsible bid.

In view of the barriers to disadvantaged businesses stated above, it shall be the policy of the Company to provide opportunity by utilizing the following affirmative action methods to ensure participation on the contracts with FDOT will:

1. Provide written notice to all certified DBE subcontractors in the geographical area where the work is to be subcontracted by the Company;
2. Advertise in minority focused media concerning subcontract opportunities with the Company;
3. Select portions of work to be performed by DBEs in order to increase the likelihood of meeting the state's goals (including, where appropriate, breaking down contracts into economically feasible units to facilitate DBE participation);
4. Provide adequate information about the plans, specifications, and requirements of the contract, not rejecting subcontractors without sound reasons based on a thorough investigation of their capabilities;
5. Waive requirements of performance bonds where it is practical to do so;
6. Attend pre-bid meetings held by FDOT to apprise disadvantaged subcontractors of opportunities with the Company;
7. Follow up on initial solicitations of interest to DBE subcontractors to determine with certainty whether the DBE company is interested in the subcontract opportunity.
8. Utilize FDOT's DBE Supportive Services providers for assistance in identifying and notifying DBE's of contracting opportunities.

The Company understands that this list of affirmative action methods is not exhaustive and will include additional approaches after having established familiarity with the disadvantaged subcontracting community and/or determined the stated approaches to be ineffective.

## III. IMPLEMENTATION

The Company will make every effort to

1. Meet state goals by utilizing its affirmative action methods.
2. Express good faith by seeking to utilize DBE subcontractors where work is to be subcontracted.
3. Ensuring that contracted DBE's perform a commercially useful function as evidenced by their execution of a distinct element of work with its own workforce and the carrying out responsibilities by actually performing, managing and supervising the work involved.

## IV. REPORTING

The Company shall keep and maintain such records as are necessary to determine the Company's compliance with its DBE Affirmative Action Plan. The Company will design its record keeping system to indicate:

1. The number of DBE subcontractors and suppliers used by the Company, identifying the items of work, materials and services provided;
2. The efforts and progress being made in obtaining DBE subcontractors through local and community sources;
3. Documentation of all contracts, to include correspondence, telephone calls, newspaper advertisements, etc., to obtain DBE participation on all FDOT projects;
4. The Company shall comply with FDOT's requirements regarding payments to subcontractors including DBEs for each month (estimate period) in which the companies have worked.

## V. DBE DIRECTORY

The Company will utilize the DBE Directory published by the FDOT.



# Instructions for Completing the DBE Trucking Certification

FORM 275-030-14

- Prime Contractor Contractor with whom the Department executed a contract
- DBE Trucking Firm Trucking firm with whom the Prime Contractor executed a contract
- Financial No. Financial project number assigned by the Department
- Contract # Number assigned to the contract executed with the Department and Prime Contractor
- FAP # Federal-aid participation (FAP) number assigned to the contract executed with the Department and prime contractor
- County County in which the project is located
- Invoice Period Timeframe in which the transportation services were rendered and/or compensation is being requested
- Invoice Amount Protected Cell- This cell was created at the request of the Prime Contractor (not a Department requirement); automatically populates
- Start Date Date on which the DBE Trucking Firm commenced transportation services
- Finish Date This cell was created at the request to the Prime Contractor (not a Department requirement); final date on which transportation services ceased
- Trucking Firm Utilization Name on each DBE trucking entity performing transportation services
- Invoice Amount This Period Total dollar amount for transportation services including commissions/fees acquired by all DBE trucking firms
- DBE Amount This Period Protected Cell- Automatically calculates information from adjacent column
- OBE Trucking Dollars Total collective dollar amount of transportation services provided by OBE trucking firms
- OBE Commission Total collective dollar amount of commissions/fees acquired by the DBE trucking firm
- Total Protected Cell- Automatically calculates information from adjacent column
- Total DBE Amount Protected Cell- Automatically calculates information from adjacent column/cells. This amount is reported monthly in the Equal Opportunity Compliance (EOC) system.
- Total Invoices Protected Cell- Automatically calculates information which appears in total cell; accumulates monthly
- To Date DBE Dollars Protected Cell- Automatically calculates information which appears in total cell; accumulates monthly
- To Date OBE Trucking Dollars Protected Cell- Automatically calculates information which appears in OBE Trucking Dollars; accumulates monthly
- OBE Commissions Protected Cell- Automatically calculates information which appears in OBE Commission; accumulates monthly
- Match DBE Dollars Protected Cell- Automatically calculates information from adjacent columns/cell (DBE Dollars with appear in the "To Date" box; this retains a running total and reflects To Date amounts reported in the EOC System)
- Match OBE Trucking Dollars Protected Cell- Automatically calculates information from TO DATE box; This cell contains formula based on:
  - a) OBE TRUCKING DOLLARS cell populated if OBE TRUCKING DOLLARS cell is less than the DBE DOLLARS cell or
  - b) DBE TRUCKING DOLLARS cell populated if DBE TRUCKING DOLLARS cell is less than the OBE Dollars cell
- Match OBE Commissions Protected Cell- Automatically calculates information from TO DATE box; this cell contains a formula based on:
  - a) Remaining proportionate share of commissions which remain after DBE Dollars are matched with OBE Dollars

## EXAMPLE

Total Invoice Amount	\$12,060
Total DBE Dollars	\$1,920
Total OBE Dollars	\$9,130
OBE Commission	\$1,010
Match	
Total DBE Dollars	\$1,920 (All DBE Dollars)
Total OBE Dollars	\$1,920 (Max. OBE dollars permitted cannot exceed DBE)

*Note: \$1920 represents 21% of the OBE dollars used in the match*

*\$798 (OBE Commission remaining which was noted included in the above match)*

*Since 21% of the OBE transportation services was included in the match, a safe assumption can be made as to the remaining of the total commission was not used in the match' therefore it is included in the match*

Total OBE Commissions

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**TRUCKER OBSERVATION & VERIFICATION**

700-010-61  
CONSTRUCTION  
05/12

SECTION 1: PROJECT IDENTIFICATION					
1. Financial Project No.	2. F.A.P. No.	3. Contract No.	4. County	5. District	
6. Prime Contractor Name		7. FEID No.			
SECTION 2: TRUCKING FIRM IDENTIFICATION					
8. What is the name of the Trucking company as shown on a subcontract, rental agreement or purchase order?					
9. On this contract, what is the arrangement for this trucking firm?					
<input type="checkbox"/> Not known		<input type="checkbox"/> Subcontractor Subordinate to:		<input type="checkbox"/> Purchase order Initiated by:	
				<input type="checkbox"/> Rental Agreement Lessee:	
SECTION 3: IDENTIFICATION OF TRUCK DRIVER (TD) & TRUCK OWNERSHIP					
<b>OBSERVER</b>	10. Date Observed			11. Observer's Name (print first/last name)	
<b>TRUCK</b>	12. Vehicle Tag #	13. Tag's State <input type="checkbox"/> FL. <input type="checkbox"/> _____	14. Truck USDOT/ Permit #	15. Company Name displayed on the Truck	16. How is name displayed? <input type="checkbox"/> removable <input type="checkbox"/> permanent <input type="checkbox"/> other _____
<b>DRIVER</b>	17. Name on driver's license (first/last)			18. Type of CDL License <input type="checkbox"/> Class A <input type="checkbox"/> Class C	
		19. State issuing License <input type="checkbox"/> FL. <input type="checkbox"/> _____			
<b>OWNER</b>	20. Owner's Name on Registration <input type="checkbox"/> same as #17			21. Vehicle description, make & year	
<b>MATERIAL IN TRUCK</b>	22. Describe the material being hauled				
<b>23. ACTIVITY</b>	<input type="checkbox"/> (a) Working within the project limits		<input type="checkbox"/> (d) From commercial plant/pit to project (skip to 4C)		
	<input type="checkbox"/> (b) Hauling within the project limits		<input type="checkbox"/> (e) Haul from Project to commercial plant/pit (skip to 4C)		
	<input type="checkbox"/> (c) From/to Project from/to dedicated or adjacent facility		<input type="checkbox"/> (f) Haul from project to some other place (skip to 4C)		
			<input type="checkbox"/> (g) Supplier- drop off & go (skip to 4C)		
SECTION 4: ADMINISTRATIVE REVIEW					
		24. Date Reviewed		25. Reviewer's Name	
<b>P P R O Y P E O R L</b>	<b>SECT. 4A VALID OWNER OPERATOR (O-O)</b>	26. Does the TD qualify as an Owner-Operator (box 17 = box 20)? <input type="checkbox"/> No -Go to Sect 4B <span style="float: right;"><input type="checkbox"/> Yes -Go to # 27</span>			
		27. If #26 Yes, is the TD's name (box 17) on a payroll for the observed date (box 10) with first/last name and 'Owner Operator' noted-(no other pay details required) <input type="checkbox"/> No -issue Notice of Noncompliance <span style="float: right;"><input type="checkbox"/> Yes -Go to Sect.4C</span>			
		28. Did Company in box 8 submit a payroll for a week that includes the date observed (box 10)? <input type="checkbox"/> No-a payroll including date observed was not received. Issue Notice for Nonreceipt of Payroll. Go to Sect 4C <span style="float: right;"><input type="checkbox"/> Yes-Go to #29</span>			
		29. If #28 Yes, is the TD named in box 17 included on the payroll for the day observed (box 10)? <input type="checkbox"/> No- not listed for date observed. Issue Payroll Violation code 7. Go to Sect. 4C <span style="float: right;"><input type="checkbox"/> Yes-Go to #30</span>			
		30. Is the correct TD classification shown (box 21) and is their payroll record complete and accurate? <input type="checkbox"/> No: improper classification and/or other errors. Issue Payroll Viol. Go to Sect .4C <span style="float: right;"><input type="checkbox"/> Yes-Go to Sect 4C.</span>			
If 23 (d),(e), (f) or (g) is checked Skip Sect. 4B & Go to Sect 4C	<b>SECT. 4B NOT AN OWNER OPERATOR; EMPLOYEE OF A COMPANY</b>				
<b>D C B R E E D I T</b>	<b>SECT. 4C IS SUBCONTRACTOR OR OWNER OPERATOR A DBE?</b>	31. Is the Co. (box 8) or owner (box 20) reported as a DBE in the FDOT DBE Directory? <input type="checkbox"/> No <span style="float: right;"><input type="checkbox"/> Yes-Go to #32</span>			
		32. Is the Co. (box 8) or owner (box 20) on the ADBEPS? <input type="checkbox"/> No- contact prime to update ADBEPS <span style="float: right;"><input type="checkbox"/> Yes-Go to #33</span>			
		33. Is a payment recorded for this company (box 8) or owner (box 20) in the EOR System? <input type="checkbox"/> No- contact prime <span style="float: right;"><input type="checkbox"/> Yes (end)</span>			

**State of Florida Department of Transportation  
Trucker Interview  
Instructions for Completing Form**

**General:**

- The purpose of this form is to record the driver and owner of a truck on the project, determine if payroll is properly submitted for the driver, and determine if the trucking activity should be included in the DBE utilization.
- An observer, usually an inspector, records information regarding the truck and then stops the truck and asks the driver to produce their driver's license and vehicle registration.

**Form Preparation:**

- The RCS completes Sections 1 and 2 and gives it to the Observer. The Observer completes Section 3 and the RCS completes 4 once payrolls are received for the week that includes the observation date.

**Field Observation:**

- The inspector (or other FDOT representatives in the field) completes Section 3 of the form based on their actual observation of the truck and the documents produced by the driver.
- The completed form is returned to the RCS.

**Administrative Review:**

- This section has two distinct purposes: Sections 4A & 4B are completed once certified payrolls for the date observed are received.
  - Section 4A and 4B confirm if the truck driver's payroll record was properly received if they were determined to be an owner operator ( section 4A) of an employee ( section 4B).
  - Section 4C determine if the trucking company or the owner operator are DBE's in the FDOT DBE directory and if so, that they are included in the Anticipated DBE participation statement and payments are recorded in EOR system.

**Section 1: Project Identification (completed by RCS)**

**Box 1: Fin. Project No.** – The Financial Project Number.

**Box 2: F.A.P. No.** – The Federal Aid Project Number assigned to federally funded projects. Leave Blank or insert N/A when training is performed on state funded projects.

**Box 3: Contract No.** - The project contract number.

**Box 4: County** – County or counties project work is being performed in.

**Box 5: District** – The Department's District Number Designation for this project.

**Box 6: Prime Contractor Name** – The name of the prime contractor.

**Box 7: FEID No.** – The contractor's Federal Identification Number.

**Section 2: Trucking Firm Identification**

**Box 8: What is the name of the Trucking Company as shown on a subcontract, rental agreement or purchase order?** Complete this based on project records (sublet, rental agreement or purchase order).

**Box 9: On this contract, what is the arrangement for this trucking firm?** Check one: If the trucking firm is a subcontractor, indicate who they are subordinate to; if a Purchase order, state who initiated it or if a Rental, indicate the Lessee.

**Section 3: Identification of Truck Driver and Truck Ownership**

This section is completed at the project site by an observer, usually the inspector. The operation of the truck is observed to determine its markings, materials and operation and then the observer approaches the driver and asks to see the driver's license and vehicle registration.

**OBSERVER INFORMATION**

**Box 10: Date Observed-** Month/day/year of this observation.

**Box 11: Name of Observer** (print first/last name) - First and Last name of person doing the observation.

**TRUCK INFORMATION- based on observation of vehicle**

**Box 12: Vehicle Tag #** – Enter the number as displayed on the trucks' license plate.

**Box 13: Tag's State** – the State issuing the license tag. Check Florida or indicate name of issuing state.

**Box 14: Truck's USDOT #/Permit No.** – Enter USDOT No. or permit no; usually on exterior of the truck door(s).

**Box 15: Company name displayed on the Truck** – Record the company name on the truck.

**Box 16: How is name displayed** – Check appropriate box or state other method.

**DRIVER INFORMATION-** based on license produced by the driver

**Box 17: Name on Driver's License (first/last)** – Record the driver's name as it is shown on their Driver's License.

**Box 18: Type of CDL Driver License** – Check class of license shown on the license. **NOTE:** If the trucker is improperly Licensed, observer is to notify the Project Administrator for communication to the Prime Contractor,

**Box 19: State Issuing License** – Check Florida or indicate name of issuing state.

**OWNER INFORMATION-** based on vehicle registration produced by the driver

**Box 20: Owner's Name on Registration** – full name as shown on registration; may be a company or an individual. Mark 'same as #17' if registration name and driver's license names are identical with no variation.

**Box 21: Vehicle Description, Make & Year** – Enter a description of the vehicle (type of truck, number of axles) and the Make & year as shown on the vehicle registration.

**MATERIAL HAULED**

**Box 24: Describe the Material being hauled** – Enter the material the truck is hauling (asphalt, pipe, debris, etc.).

**23. ACTIVITY**

Chose (a) to (g) that best describes the hauling activity. **NOTE: 'Skip to 4c' Is instructions for the person completing Section 4, Administrative Review** – More information regarding these hauling activities is in the EEO Construction Contract Compliance Workbook, Table1.7.4.1.

**Section 4: Administrative Review**

**GENERAL: For each question, check YES or NO and then follow the directions provided thereafter**

**PROPER PAYROLLS:**

Complete this section once payrolls have been received for the week that includes the Observation Date (Box 10)

The "PROPER PAYROLL" has two parts:

4A is for payroll verification of owner operators

4B is for payroll verification of a drivers who is an employee of a company

If #23(d), (e), (f) or (g) is checked, SKIP 4B and go to 4C

**SECTION 4A: VALID OWNER-OPERATOR (O-O)**

**Box 26: Does the TD qualify as an Owner-Operator (box 17 = box 20)?**

**Box 27: If #26 yes, is the TD's name (box 17) on a payroll for the observed date (box 10) with full name and 'Owner Operator' noted-(no other pay details required)**

**SECTION 4B: DRIVER IS NOT AN OWNER OPERATOR; EMPLOYEE OF A COMPANY**

**Box 28: Did Company in box 8 submit a payroll for a week that includes the date observed (box 10)?**

**Box 29: If #28 yes, is the TD named in box 17 included on the payroll for the day observed (box 10)?**

**Box 30: Is the correct TD classification shown (box 21) and is their payroll record complete/accurate?**

**DBE CREDIT:**

Complete this section to determine if the company or owner operator is a certified DBE and if so, is properly listed on the Anticipated DBE Participation Statement (FDOT FORM 275-030-11A or 275-030-12) and payments to the DBE are recorded in the

**SECTION 4C: IS SUBCONTRACTOR OR OWNER OPERATOR A DBE**

**Box 31: Is the Co. (box 8) or owner (box 20) reported as a DBE in the FDOT DBE Directory**

**Box 32: Is the Co. (Box 8) or owner (box 20) on the ADBEPS?**

**Box 33: Is a payment recorded for this company (box 8) or /owner (box 20) in the EOR System?**

Approved:

Effective: July 20, 2011  
Office: Equal Opportunity  
Topic No.: 275-020-002-g

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Department of Transportation

## **EQUAL OPPORTUNITY CONSTRUCTION CONTRACT COMPLIANCE**

### **PURPOSE:**

The Federal Highway Administration (FHWA) requires the Florida Department of Transportation (FDOT) as a contracting agency to assure compliance of contractors with the requirements of federal-aid construction contracts including the Equal Employment Opportunity (EEO), Affirmative Action (AA), Disadvantaged Business Enterprise (DBE), and On-the-Job Training (OJT) requirements. These requirements must be included in all applicable direct and federal-aid highway construction contracts, including subcontracts of \$10,000 or more (not including subcontracts for materials and supplies). This procedure establishes requirements and guidelines for administering the EEO, DBE, and OJT contract requirements on FDOT construction contracts.

This procedure also applies to the administration of the equal opportunity requirements set forth in the EEO Special Provisions included in state funded construction projects.

### **AUTHORITY:**

Sections 20.23(4)(a) and 334.048(3), Florida Statutes (F.S.)

### **REFERENCES:**

- Construction Contract Equal Opportunity Compliance, 23 CFR Part 230
- EEO Special Provisions 23 CFR Appendix A of Subpart A of Part 230
- Training Special Provisions 23 CFR , Appendix B to Subpart A of Part 230
- 49 CFR Part 26 Disadvantaged Business Enterprise
- Federal Highway Administration Form 1273
- On-theJob Training Specification 7-26
- Federal Aid Policy Guide
- EEO Special Provisions State Funded Projects

**23 CFR Part 230:** Prescribes the policies, procedures, and guidance for equal opportunity on federal construction contracts.

**23 CFR Part 230.407:** This is a list of definitions for this federal regulation.

**23 CFR Part 230.409:** Prescribes the policies, procedures, and guidance of the contract compliance review process.

**40 USC 276 [a] (Davis-Bacon Act of 1931):** Under the provisions of the **Act**, contractors or their subcontractors are to pay workers employed directly upon the site of the work no less than the locally prevailing wages and fringe benefits paid on projects of a similar character. The **Davis-Bacon Act** directs the Secretary of Labor to determine such local prevailing wage rates which can be found in a document named "General Decision Number". For more information on this **Act**, visit the U.S. Department of Labor at <http://www.thecre.com/fedlaw/legal12a/276a.htm> .

## **SCOPE:**

This procedure applies to all offices that hold responsibility for administering the Equal Opportunity Provisions in construction contracts. The offices are referenced in **Section 1.0**.

## **GENERAL:**

This procedure establishes the process to be used by Districts to ensure uniformity in the Equal Opportunity Construction Contract Compliance Program. The **Equal Employment Opportunity Construction Contract Compliance Workbook** was developed to assist contractors in their understanding of EEO requirements. The **Workbook** provides examples of forms and other documentation necessary to satisfy the numerous EEO requirements. The **Workbook** also describes the actions needed for contractors to achieve and maintain compliance with non-discrimination, OJT, and wage rate requirements of the contract.

FDOT offices responsible for EEO construction contract compliance:

- Equal Opportunity Office (EOO)
- Office of Construction
- District Construction Office
- District Contract Compliance Office (DCCO)
- Resident Engineer's Office

The goal of each office is to maintain a program that fulfills all federal-aid requirements. To achieve this goal, all Districts must collect data, conduct frequent and thorough contract compliance reviews and evaluations, maintain complete and accurate files, and operate in a consistent and timely manner. The primary offices: the State Construction Office, District Contract Compliance Office, each Resident Engineer Office and the Equal Opportunity Office must maintain constant communication and coordination.

## **DEFINITIONS:**

**Commercially Useful Function (CUF):** A determination of CUF is made in regard to proper reporting of work for DBE utilization purposes. A DBE performs a CUF when it is (1) responsible for execution of the work of the contract (2) carries out its responsibilities by actually performing, managing, and supervising the work involved, and (3) is responsible, with respect to materials and supplies used on the contract, for negotiating price directly with the supplier, determining quality and quantity, ordering material, and installing (where applicable) and paying for the material itself.

**Consultant CEI:** A consulting engineering firm pre-qualified by the Department to perform Construction Engineering and Inspection (CEI) and under contract to perform such services on a project or series of projects.

**Disadvantaged Business Enterprise (DBE):** Small business concern (a) which is at least 51% owned by one or more socially and economically disadvantaged individuals, or in the case of any publicly-owned business, at least 51% of its stock is owned by one or more socially and economically disadvantaged individuals, and (b) whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged owners.

**District Construction Engineer (DCE):** The engineer appointed by the District Secretary serves to manage all District functions pertaining to construction of Department projects managed by either in-house CEI or Consultant CEI personnel.

**District Contract Compliance Manager (DCCM):** The position within each of the District Offices that is responsible for administering the Equal Opportunity Construction Contract Compliance Program.

**District Contract Compliance Office (DCCO):** The office within each District Office that is responsible for administering the Equal Opportunity Construction Contract Compliance Program.

**Equal Opportunity Office (EOO):** The FDOT's Equal Opportunity Office was created to administer the Department's Disadvantaged Business Enterprise Program, Title VI Program (Nondiscrimination in State and Federal Programs and Activities), and Internal and External Equal Employment Opportunity/Affirmative Action Program (Title VII).

**Equal Opportunity Reporting System (EORS):** This is a database system that is used to track data for the EEO.

**Equal Employment Opportunity (EEO):** The absence of partiality or distinction in employment treatment so that the right of all persons to work and advance on the basis of merit, ability, and potential is maintained.

**Florida Commission on Human Relations (FCHR):** The state commission responsible for investigating employment discrimination charges filed in accordance with **Chapter 760, F.S.**

**Florida Department of Transportation (FDOT):** The state agency that is responsible for the administration of the state highway and public transportation system.

**Federal Highway Administration (FHWA):** The Federal Highway Administration is a division of the U.S. Department of Transportation and is responsible for setting policies, writing procedures, and providing oversight, guidance and direction to State Departments of Transportation receiving federal financial assistance.

**FHWA 1273:** Prescribes the policies and procedures for the Equal Employment Opportunity Contract Compliance Program.

**Local Agency Program (LAP):** The LAP program is administered by a State LAP Administrator in Central Office. The LAP is administered in each District by a District LAP Administrator designated by the District Secretary. Project-level direction and oversight are provided through the Offices of Planning, Environmental Management, Design, Right of Way, Policy Planning, Environmental Management, Federal-Aid, Design, Contracts Administration, Equal Opportunity, Comptroller, and Work Program Development.

**On-the-Job Training (OJT):** As part of the Contractor's Equal Employment Opportunity affirmative action program, training shall be provided. The Contractor shall provide OJT aimed at developing full journeymen/women in the type(s) of trade or job classification(s) involved in the work. Contractors are encouraged to utilize the OJT Program to achieve diversity.

**Resident Compliance Specialist (RCS):** This position is responsible for ongoing monitoring and technical assistance to federal aid contractors regarding the requirements of **FHWA 1273** and other federal regulations. This position may be employed internally by FDOT or through the Consultant CEI firms.

**Standard Metropolitan Statistical Area (SMSA):** An urbanized area of 50,000 or more inhabitants.

## 1. RESPONSIBILITIES

### 1.1 EQUAL OPPORTUNITY OFFICE (EOO)

The EOO has the responsibility for setting policy, issuing guidance, providing technical assistance, and monitoring District compliance actions through District visits and periodic **Quality Assurance Reviews**. In addition, the EOO will initiate all required reporting to FHWA. While the District offices will be required to provide information to the EOO for reporting, the Districts will not provide reports to FHWA.

The EOO will perform other specific activities, including setting the Department's DBE utilization goal, maintaining the Equal Opportunity Reporting System, DBE outreach initiatives and supportive services, Title VI, and various other programs.

### 1.2 OFFICE OF CONSTRUCTION

The Office of Construction is responsible for developing procedures relating to wage rates, payrolls, prompt payment, monitoring District Contract Compliance activities, and providing guidance as required. (See **Construction Project Administration Manual, Topic No. 700-000-000.**)

### 1.3 DISTRICT CONSTRUCTION ENGINEER

Each DCE or a designee will supervise their DCCO. The DCEs are responsible for initiating sanctions for noncompliance of the EEO, DBE, and OJT requirements when appropriate.

### 1.4 DISTRICT CONTRACT COMPLIANCE OFFICE

The DCCO is responsible for monitoring the contractor's EEO, DBE and OJT activities, providing training to Resident Compliance Specialists (RCS), contractors, construction engineering and inspection firms, and providing annual and special purpose reporting to the EOO. It is recommended that each DCCO have a DCCM and one or two RCS who are responsible for the activities of the DCCO.

Each DCCO schedules, conducts, and prepares compliance reviews of contractors. Each District is required to complete no less than two contract compliance reviews per quarter or eight reviews annually. The review period is based on the federal fiscal year (October 1 to September 30). The District is not limited to eight compliance reviews and is encouraged to exceed the required number of reviews. If there is reason to suspect that a contractor is noncompliant with **FHWA 1273, 23 Code of Federal Regulations**, or other federal authorities, the District shall conduct a compliance review to assess compliance with federal provisions, even if the District has completed the required number of reviews. Each company reviewed, prime or subcontractor, is considered as one review. Reviews should be a mixture of project and area reviews, depending on

the work program mix of the district. Follow-up reviews are generally not included in the required number of reviews. However if a follow-up review requires an extensive amount of work and oversight, the follow-up review will be calculated in the overall number of required reviews and requires prior approval from the EOO. The project review will cover the workforce for the entire contract and will include the prime contractor and all applicable subcontractors active on the project. In an area wide review, the contractor's entire workforce in a geographical area is reviewed. The geographical area is determined by the DCCM and should be clearly identified to the contractor.

The DCCO will perform the following functions:

- (A) Conduct compliance reviews.
- (B) Provide technical assistance and training to contractors regarding **FHWA 1273** and other federal authorities.
- (C) Conduct site visits, audits, and reviews.
- (D) Provide training and review of compliance staff/consultants in monitoring responsibilities as identified in the EEO Construction Contract Compliance Workbook.
- (E) Conduct special investigations.
- (F) Participate in reviews and audits.
- (G) Complete annual FHWA reports and special reporting.
- (H) Coordinate external agency investigations.
- (I) Ensure retention of project records.
- (J) Verify that Resident Compliance Specialists are completing ongoing monitoring of contractors by reviewing submissions of annotated payrolls to assess for compliance with **FHWA 1273** and other federal authorities. Each DCCO shall carefully review annotated payrolls to look for discrepancies in pay and fluctuations in the overall workforce which may be indicative of fraud, abuse, or noncompliance with EEO requirements.
- (K) Coordinate with LAP Administrators to verify that Local Agencies are completing ongoing monitoring of contractors by reviewing submissions of annotated payrolls to assess for compliance with **FHWA 1273** and other federal authorities. Each DCCO shall carefully review annotated payrolls to look for discrepancies in pay and fluctuations in the overall workforce which may be indicative of fraud, abuse, or noncompliance with EEO requirements.

- (L) Provide technical assistance to the District LAP Administrators regarding the Equal Employment Opportunity Contract Compliance Program.
- (M) Provide training and technical assistance to the Local Agencies.

## 1.5 RESIDENT ENGINEER'S OFFICE

Resident Engineer Offices have the responsibility of supporting the Contract Compliance Program. Duties vary by District based on organizational preference. The Resident Engineer Office is responsible for reviewing, evaluating, ensuring the completion and review of certain workforce interviews and job site inspections, and assisting project administrators and the DCCOs as required.

The Resident Engineer's Office will:

- (A) Provide technical assistance to contractors and subcontractors.
- (B) Maintain the official compliance records for the project.
- (C) Assist the DCCO in compliance review activities.
- (D) Determine if DBEs are performing CUF.
- (E) Monitor the OJT.
- (F) Review annotated payrolls to assess the degree of compliance (i.e. completeness, accuracy, and discrepancies) and irregularities which may be indicative of fraud, abuse, or noncompliance with EEO requirements.
- (G) Notify the DCCO of specific concerns or issues regarding contractors' compliance with **FHWA 1273** and other federal authorities.
- (H) Monitor the progress of the project and DBE participation.

## 2.0 CONTRACT COMPLIANCE REVIEWS

The following procedural steps have been taken from **23 CFR Part 230.409** and modified for this procedure. The definitions in **23 CFR Part 230.407** are incorporated by reference.

The compliance review procedure provides for continual monitoring of the employment process. Monitoring officials must analyze information to ensure proper completion of procedural requirements and to ascertain the effectiveness of program implementation.

## 2.1 REVIEW SCHEDULING

Priority in scheduling equal opportunity compliance reviews shall be given to reviewing those contractor's workforces:

- (A) Which hold the greatest potential for employment and promotion of minorities and females (particularly in higher skilled crafts or occupations);
- (B) Working in areas that have significant minority and female labor forces within a reasonable recruitment area;
- (C) Working on projects that include training special provisions;
- (D) Where the contractor's compliance with Equal Opportunity is questionable based on a review of employment data, previous compliance reviews, on-site visits, and annotated payrolls;
- (E) Where there is evidence that the contractor may have engaged in, or tolerated alleged discriminatory practices.

In addition, the following considerations shall apply:

- (1) Reviews requested by FHWA shall receive priority scheduling;
- (2) Where practicable, a review should be conducted prior to or during peak employment periods; and
- (3) Do not review a home office workforce of less than 15 employees unless requested and approved by FHWA headquarters Office of Civil Rights.

**2.1.2** For compliance reviews based on an area workforce, the DCCO shall define the applicable geographical area by considering the following:

- (A) Union geographical boundaries;
- (B) The geographical area from which the contractor recruits employees, i.e., reasonable recruitment area;
- (C) SMSA or census tracts; and
- (D) The county in which the Federal or Federal-aid project(s) is located and adjacent counties.

**2.1.3** Each DCCM must submit a quarterly review schedule to the EOO by the 15th of the month prior to the start of a new quarter. Quarterly review schedules should

be submitted to the EOO on February 15<sup>th</sup>, May 15<sup>th</sup>, August 15<sup>th</sup>, and November 15<sup>th</sup>. Any subsequent changes should be forwarded to the EOO with an appropriate explanation.

## **2.2 CONTRACTOR NOTIFICATION**

**2.2.1** The DCCO should provide written notification to the contractor of the pending compliance review at least two weeks prior to the scheduled on-site review. This notification shall include the purpose, scope, date, and time of the review. The notice should include the contractor's responsibility for providing pertinent documentation and information as requested, an outline of the mechanics and basis of the review, requisite interviews, and documents required.

**2.2.2** The contractor shall be requested to supply to the DCCO prior to the onsite verification and interviews the following information:

- (A) Current EEO Report developed from the most recent payroll;
- (B) Copies of all current bargaining agreements;
- (C) Copies of purchase orders and subcontracts containing the EEO clause;
- (D) A list of recruitment sources available and utilized;
- (E) A statement of the status of any action pertaining to employment practices taken by the Equal Employment Opportunity Commission (EEOC), FCHR, any local agency, or internally regarding the contractor or from present or past employees;
- (F) A list of promotions made during the past 6 months, to include race, national origin, sex of employee, previous job held, job promoted into, and corresponding wage rates;
- (G) An annotated certified payroll to show job categories, race, sex and date of hire;
- (H) A list of minority-owned or female-owned companies contacted as possible subcontractors, vendors, material suppliers, etc.;
- (I) EEO Policy Statement and DBE Affirmative Action Plan; and
- (J) Any other necessary documents or statements requested by the DCCO for review prior to the actual onsite visit.

**2.2.3** For a project review, the DCCO shall hold the prime contractor responsible for

ensuring that all active subcontractors are present at the on-site meeting and have supplied the required documentation.

## **2.3 PRELIMINARY ANALYSIS AND INITIAL MEETING**

Before the onsite verification and interviews, the DCCO shall analyze the employment patterns, policies, practices, and programs of the contractor to determine whether or not problems exist by reviewing information relative to:

- (A) The contractor's current workforce;
- (B) The contractor's relationship with referral sources, e.g., unions, employment agencies, community action agencies, minority and female organizations, etc.;
- (C) The minority and female representation of sources;
- (D) The availability of minorities and females with requisite skills in a reasonable recruitment area based on U.S. Census data or U.S. Department of Labor Statistics;
- (E) Any pending EEOC, FCHR, Department of Justice cases or local cases which are relevant to the contractor; and
- (F) The related project (and/or contractor) file to obtain current information relating to the status of the contractor's project(s), value, scheduled duration, written corrective action plans, EEO Reports, training requirements, previous compliance reviews, certification of payment to subcontractors, information submitted in the Equal Opportunity Reporting System, and other pertinent correspondence and/or reports.

**2.3.1** The review must include at least one construction site visit. During this meeting with the contractor, the following topics shall be discussed during the visit:

- (A) The material submitted by the contractor, including the actual implementation of the employee referral source system and any discrepancies found in the material; and
- (B) Arrangements for the site tour and employee interviews. The initial meeting may be held at any appropriate location convenient to the review area and agreed upon by the contractor.

## **2.4. ONSITE VERIFICATION AND INTERVIEWS**

**2.4.1** After the initial meeting and preliminary analysis, the DCCO shall make a physical tour of the employment site(s) to determine that:

- (1) EEO posters are displayed in conspicuous places in a legible fashion;
- (2) Supervisory and personnel office employees have been oriented to the contractor's EEO commitments;
- (3) The employee referral source system is being implemented;
- (4) Reported employment data is accurate;
- (5) Meetings or other methods of communication have been used to disseminate the EEO policy particularly new employees; and
- (6) Employees are aware of their right to file complaints of discrimination.

**2.4.2** The DCCO shall:

- (1) Interview at least one minority, one non-minority, and one female in each trade, classification, or occupation. The contractor's superintendent or home office manager should also be interviewed.
- (2) Determine the union membership status of union employees on the site (e.g. whether they have permits, membership cards, or books, and in what category they are classified [e.g., A, B, or C] based on a sampling of the organization's members.
- (3) Determine the method utilized to place employees on the job and whether equal opportunity requirements have been followed.
- (4) Verify that all DBE subcontractor payments entered into the Equal Opportunity Reporting System are accurate and up-to-date.
- (5) Request any other documentation deemed necessary to ensure contractor compliance.

**2.4.3** The DCCO shall make the following determinations in the review report:

- (A) Is there reasonable representation and utilization of minorities and females in each craft, classification or occupation? If not, what has the contractor done to increase recruitment, hiring, upgrading, and training of minorities and females?

- (B) What action is the contractor taking to meet the contractual requirement to provide equal employment opportunity?
- (C) Are the actions taken by the contractor acceptable? Could they reasonably be expected to result in increased utilization of minorities and females?
- (D) Is there impartiality in treatment of minorities and females?
- (E) Are affirmative action measures of an isolated nature or are they continuing?
- (F) Have the contractor's efforts produced results?
- (H) The DCCO should interview or survey subcontractors to determine compliance with prompt payment requirements.

**2.4.4** The DCCO should determine if the contractor is complying with its DBE Affirmative Action Plan by the following:

- (A) What is the contractor's DBE utilization?
- (B) Does the contractor have bid files and efforts of documentation to solicit quotes from DBEs?
- (C) What are the duties of the DBE Officer?

## **2.5 EXIT CONFERENCE**

**2.5.1** Before concluding the review process, the DCCO should schedule an exit conference with the contractor. The following topics shall be discussed:

- (A) Any preliminary findings that, if not corrected immediately or not corrected by the adoption of an acceptable voluntary corrective action plan, would necessitate a determination of noncompliance;
- (B) The process and time in which the contractor shall be informed of the final determination (15 days following the onsite verification and interviews);
- (C) Any other matters that could be resolved before concluding the onsite portion of the review.

**2.5.2** Voluntary corrective action plans may be negotiated at the exit conference.

**2.5.3** The acceptance of a voluntary corrective action plan at the exit conference does not preclude a determination of noncompliance, particularly if deficiencies not addressed by the plan are uncovered during the final analysis and report writing. A voluntary corrective action plan should be accepted with the understanding that it only addresses those problems uncovered prior to the exit conference.

## **2.6 COMPLIANCE DETERMINATIONS**

**2.6.1** Based on information obtained through the compliance review, the DCCO conducting the review shall determine the contractor's compliance or noncompliance with contractual provisions and include written documentation to support the review findings.

**2.6.2** The compliance determination will include consideration of the contractor's efforts in the following areas:

- (A) The contractor's EEO policy;
- (B) Dissemination of the policy and education of supervisory and personnel office employees concerning their responsibilities in implementing the EEO policy;
- (C) The authority and responsibilities of the EEO officer;
- (D) The contractor's recruitment activities, especially establishing minority and female recruitment and referral procedures;
- (E) The extent of utilizing minorities and females in training programs;
- (F) The contractor's review of personnel actions to ensure equal employment opportunities;
- (G) The contractor's participation in training;
- (H) The contractor's relationship (if any) with unions and minority and female union membership;
- (I) The contractor's procedures for monitoring subcontractors' utilization of minorities and females in the subcontractors' workforces;
- (J) The adequacy of the contractor's records and reports.

**2.6.3** A contractor shall be considered to be in compliance when the equal opportunity requirements have been effectively implemented, or there is evidence that every good faith effort has been made toward achieving this end. Efforts to achieve

this goal shall be result-oriented, initiated and maintained in good faith, and emphasized as any other vital management function.

**2.6.4** A contractor shall be considered not to be in compliance when:

- (A) The contractor has discriminated against applicants or employees with respect to the conditions or privileges of employment; or
- (B) The contractor fails to provide evidence of every good faith effort to provide equal opportunity; or
- (C) The contractor submits **Form No. 700-011-13, Certification Compliance with Equal Employment Opportunity(EEO) Provisions on Federal Aid Contracts**, but fails to provide evidence of meeting EEO requirements.

## **2.7 SHOW CAUSE PROCEDURES**

**2.7.1** Once the onsite verification and exit conference have been completed and a compliance determination has been made, the contractor shall be notified in writing of the compliance determination. This written notification shall be sent to the contractor within 15 days following the completion of the onsite verification and exit conference. If a contractor is found to be in noncompliance, efforts to bring the contractor into compliance shall be initiated through the issuance of a show cause notice. The notice shall advise the contractor to show cause within 30 days why sanctions should not be imposed. The date of the contractor's receipt of the show cause notice shall begin the 30 day show cause process.

**2.7.2** A show cause notice must be issued when a determination of noncompliance is made based upon:

- (A) The findings of a compliance review; or
- (B) The results of an investigation that verifies the existence of discrimination.

**2.7.3** Show cause notices will normally be issued to federally assisted contractors when the Department has made a determination of noncompliance, or when FHWA has made such a determination and has requested the State to issue the notice when circumstances warrant. FHWA may exercise primary compliance responsibility by issuing the notice directly to the contractor.

**2.7.3.1** The show cause notice must:

- (A) Notify the contractor of the determination of noncompliance and provide the basis for the determination of noncompliance;

- (B) Notify the contractor of the obligation to show cause within 30 days why formal proceedings should not be instituted;
- (C) Schedule (date, time, and place) a compliance conference to be held approximately 15 days from the contractor's receipt of the notice;
- (D) Advise the contractor that the conference will be held to receive and discuss the acceptability of any proposed corrective action plan and/or correction of deficiencies;
- (E) Advise the contractor of the availability and willingness of the DCCO to conciliate within the time limits of the show cause notice.

**2.7.3.2** In preparing and processing the show cause notice, the DCCO shall:

- (A) Develop complete background data for the issuance of the show cause notice.
- (B) Forward the background data and the final draft notice for review by the General Counsel's Office and provide the EOO with a copy of the correspondence.
- (C) Deliver the notice to the contractor by personal service, certified mail, return receipt requested, with a certificate of service or the return receipt filed with the case record.
- (D) Issue the 30-day show cause notice directly to the noncompliant contractor or subcontractor with an informational copy sent to any concerned prime contractors.
- (E) Ensure the show cause is issued by the DCCM.

**2.7.3.3** Conciliation efforts during show cause period:

- (A) The DCCM is required to attempt conciliation with the contractor throughout the show cause time period. Conciliation and negotiation efforts shall be directed toward correcting contractor program deficiencies and initiating corrective action that will maintain and ensure equal opportunity. Records shall be maintained in case files indicating actions and reactions of the contractor, a brief synopsis of any meetings with the contractor, notes on oral communication and written correspondence, requests for assistance or interpretations, and other relevant matters.
- (B) In instances where a contractor is determined to be in compliance after a show cause notice has been issued, the show cause notice will be rescinded and the contractor formally notified of compliance.

### 2.7.3.4 Corrective Action Plans

The following procedural steps have been taken from **23 CFR Part 230.409** and modified for this procedure. The definitions in **23 CFR Part 230.407** are incorporated by reference.

- (A) When a contractor is required to show cause and the deficiencies cannot be corrected within the 30-day show cause period, a written corrective action plan may be accepted. The written corrective action plan shall specify clear unequivocal action by the contractor with time limits for completion. Token actions to correct cited deficiencies will not be accepted.
- (B) When a contractor submits an acceptable written corrective action plan, the contractor shall be considered in compliance during the plan's effective implementation and submission of required progress reports.
- (C) When an acceptable corrective action plan is not agreed upon and the contractor does not otherwise show cause as required, a recommendation to withhold funds should be made to the DCE.
- (D) When a contractor, after having submitted an acceptable corrective action plan and being determined in compliance is subsequently determined to be in noncompliance based upon the contractor's failure to implement the corrective action plan, a recommendation to withhold funds should be made to the DCE. There are no provisions for reinstating a show cause notice.
- (E) When a contractor operating under an acceptable corrective action plan carries out the provisions of the corrective action plan but the actions do not result in the necessary changes, the corrective action plan shall be immediately amended through negotiations. If, the contractor refuses to appropriately amend the corrective action plan, a recommendation to withhold the monthly estimate for the project should be made to the DCE.
- (F) A contractor operating under an approved voluntary corrective action plan entered into prior to the issuance of a show cause must be issued a 30-day show cause notice when it fails to implement an approved corrective action plan or the agreed upon corrective actions fail to result in necessary changes.

## 2.8 FOLLOW-UP REVIEWS

A follow-up review is an extension of the initial review process to verify the contractor's performance of corrective action and to validate progress report information. Therefore, follow-up reviews shall only be conducted on those

contractors where the initial review resulted in a finding of noncompliance and a show cause notice was issued.

Follow-up reviews shall be reported as a narrative summary referencing the initial review report. The report will assess the adequacy of the contractor's corrective actions in addressing any deficiency.

## **2.9 REVIEW REPORTS**

**2.9.1** The DCCO shall maintain detailed notes from the beginning of the review on which a comprehensive compliance review report can be developed.

**2.9.2** The completed compliance review report shall contain documentary evidence to support the determination of a contractor or subcontractor's compliance status. The report must be submitted within 15 days of completion of the review to the EOO.

**2.9.3** Findings, conclusions, and recommendations shall be explicitly stated and supported by documentary evidence.

**2.9.4** The compliance review report must be completed on **Form No. 275-021-09, Compliance Data Report**, and contain the following information:

- (A) Complete name and address of contractor.
- (B) Project(s) identification.
- (C) Basis for the review, i.e. area workforce or project workforce.
- (D) Identification of federal or federal-aid contract(s).
- (E) Date of review.
- (F) Employment data by job craft, classification, or occupation by race and gender. This data must be verified during the onsite.
- (G) Identification of local unions involved with contractor, when applicable.
- (H) Determination of compliance status: compliance or noncompliance. The determination of compliance should include documentation to support the findings for each standard on the **Compliance Data Report**.
- (I) Copy of show cause notice or compliance notification sent to contractor.
- (J) Name and title of the staff who conducted the review.

**2.9.5** Each contractor (a joint venture is one contractor) will be reported separately. When a project review is conducted, the reports should be attached, with the initial report being that of the prime contractor followed by the reports of each subcontractor. Each review level is responsible for ensuring that required information is contained in the report.

**2.9.6** When a project review is conducted, the project workforce must be reported. During an areawide review (all federal-aid or federal projects in an area), areawide workforce must be reported.

### **3.0. COMPLAINT INVESTIGATION**

**3.1.** When a contractor's employee complains of discrimination or harassment to Department personnel alleging discriminatory practices by the contractor, the complaint should be referred to the contractor for investigation. If requested by the contractor, the District Contract Compliance Manager with the knowledge of the EOO may assist the contractor with the investigation and resolution of a complaint.

**3.2** The District Contract Compliance Manager must ensure that:

- (1) A prompt internal investigation is made by the contractor and documented.
- (2) A follow-up inquiry is made with the contractor to determine the outcome of the investigation. If the contractor's investigation determines that discrimination has taken place, appropriate corrective action within a reasonable time frame should occur. If the inquiry indicates that persons other than the complainant have been affected, corrective action should include such other persons.
- (3) The matter has been resolved. If the complaint has not been resolved the DCCM will notify the EOO and a decision will be made based on the information gathered during the follow-up inquiry. If unlawful discrimination has occurred, the Manager of the EOO will be responsible for bringing the matter to the attention of the FHWA.
- (4) The complainant is informed of their right to file a complaint with the FCHR or U.S. EEOC.

### **4.0 CONSULTANT CONTRACTS**

When the Department contracts with a consultant to manage a construction project, the consultant may have the responsibilities for all actions of the Resident Engineer's Office. Depending on the experience of the consultant, the

DCCO will be required to train the consultant's employees to perform the required compliance functions.

## **5.0 CONSTRUCTION CONTRACT COMPLIANCE ADMINISTRATION (CCCA) FIELD OFFICE REVIEW**

Every six months, or as often as necessary, the DCCO will conduct a **Construction Contract Compliance Field Office Review** of no less than 20% of the RCS' projects to determine if the EEO procedures are being followed. Project records (files) will be reviewed for accuracy and content to ensure contract compliance with EEO, OJT and DBE contract clauses and contract activities. The review and the closeout should be completed within seven days.

A written report will be prepared and review findings and recommendations will be forwarded to the Resident Engineer within seven days of the closeout for further handling and/or distribution. Any deficiencies noted in the report should be corrected within 14 days of the dated formal report. If the District is unable to resolve any issues arising from the cited deficiency and the deficiency cannot be resolved, the issue will be forwarded to the EOO for resolution. The District Compliance Manager will provide a quarterly schedule of offices to be reviewed by the 15th day of the month preceding the scheduled quarter to the EOO. The final reports shall be kept at the DCCO and made available to the EOO upon request.

## **6.0 PROJECT ASSIGNMENTS**

- 6.1** The Resident Engineer will assign a Project Administrator to the project and notify the Resident Compliance Specialist that the contract has been awarded.
- 6.2** The Project Administrator will contact the Resident Engineer, Resident Compliance Specialist, and the contractor to schedule a preconstruction conference. The Project Administrator will confirm the schedule in writing.

## **7.0 PROJECT FILES**

The Resident Compliance Specialist will maintain for the Department the project's official contract compliance records evidencing compliance with **FHWA 1273, 23 Code of Federal Regulations Part 230, 49 Code of Federal Regulations Part 26** the requirements set forth in the FDOT **EEO Construction Compliance Workbook**, and other federal authorities.

## **8.0 PRECONSTRUCTION CONFERENCE**

The RCS will ensure that information is presented regarding DBE participation, OJT, payroll, wage rates, bulletin board, payments to subcontractors, retainage,

subcontract rental agreements, and labor compliance as well as collect the **Anticipated DBE Participation Statement**.

The contractor will be advised of the EEO Certification process and the responsibility for monitoring the EEO compliance of their subcontractors. The RCS will also discuss sanctions for noncompliance if reporting requirements are not fulfilled (see **Construction Project Administration Manual, Topic No. 700--00-000**).

The District may elect to conduct a Post Preconstruction Training Evaluation Meeting in addition to the preconstruction conference to discuss the EEO requirements.

## 9.0 EEO AFFIRMATIVE ACTION MONITORING

- (1) The RCS will receive, review and evaluate all reports and documentation from the prime and subcontractors for accuracy, completeness and timeliness.
- (2) The RCS will assist the Project Administrator in monitoring the project through on-site inspections and interviews. The information obtained from the interviews will become a part of the project file and will be reviewed and evaluated during compliance reviews.
- (3) The RCS will attend compliance reviews and furnish the complete project files for the review. When a letter is received indicating that a compliance review has been scheduled by the DCCO, the RCS will review all of the files on the project to ensure accuracy and completeness. The RCS may be requested to assist the DCCO with the review if necessary.
- (4) The RCS will ensure the **Anticipated DBE Participation Statement** information has been entered into the EORS by the contractor prior to the Preconstruction Conference or collect the information during the conference and forward to the DCCO. If collected at the Preconstruction Conference the District should forward this information to the EEO within three business days. The RCS will forward revised **Anticipated DBE Participation Statements** to the EEO office within 14 business days from the date of receipt.

## 10.0 SUBCONTRACTOR MONITORING

- (1) The RCS must monitor the progress of the project and DBE participation. This effort is accomplished in conjunction with the Project Administrator and Inspector who have daily contact with the contractor and subcontractors, monitoring monthly payments, and payroll documents, interviews with DBE subcontractors, employees, and observations by the

Project Administrator and Inspector. The RCS will be able to determine if the prime is utilizing an identified DBE and if the DBE subcontractor is providing a commercially useful function as required by the DBE Special Provision. The RCS will utilize **Form No. 275-021-18, Commercially Useful Function DBE Monitoring Report (CUF Report)**, to document this process. If problems are identified, the RCS should discuss the problems with the Resident Engineer and the DCCM.

The RCS is responsible for the following:

- (A) Ensuring that a **CUF Report** is completed once every month for each DBE within the first three active months. If a DBE subcontractor (excluding trucking companies) has not performed at least 30% of the total value of the contract at the end of the first three active months, a final CUF report must be conducted at the end of the project to assess performance.
  - (B) Working in conjunction with the inspector or other qualified personnel to ensure that an observation of the DBE's work and workforce is completed.
  - (C) Sending the completed **CUF Report** to the District Contract Compliance Manager and the Project Administrator for review and signature. Assisting the Project Administrator and/or DCCM with any follow-up research or additional reviews.
  - (D) Verifying that all subcontractors identified on the **Anticipated DBE Participation Statement** are performing work in the area for which they have an active certification. If DBEs are performing work in an area they are not certified in, the prime contractor will not receive credit for DBE participation.
  - (E) Ensuring that the DBE trucking ledger is completed to assess performance for trucking companies. The DBE trucking ledger should be completed monthly for every month that DBE trucking subcontractors are active on the project.
- (2) The RCS will review the Department's EORS to determine if the contractor has supplied the required subcontractor payment data and report any discrepancies to the District Contract Compliance Office. The RCS should notify the prime contractor in writing if payments have not been posted. The District Contract Compliance Office will advise the DCE and the EOO of any contractor refusing to report subcontractor payments as required by the contract.

## 10.1 DBE Monitoring

The Department has an approved race and gender neutral DBE Program. However, if directed by the FHWA the Department may at times assign project specific goals on certain federally funded contracts. If so directed, the DCCM, RCS, and other District personnel will be required to monitor such projects in accordance with the DBE Special Provisions for Projects with goals.

## 10.2 Anticipated DBE Participation and OJT Monitoring

All Districts will review all Anticipated DBE Participation information submitted by contractors to ensure that statements have been updated to reflect any adjustments in DBE participation on the project by September 1<sup>st</sup> on an annual basis. Contractors should also be contacted for verification that the DBE participation reported is accurate. Each District must report the final DBE anticipated participation for the end of the Federal Fiscal Year to the EOO no later than September 30<sup>th</sup> for inclusion in the Department's annual report to FHWA regarding DBE utilization on Federal and State funded highway construction contracts.

OJT will be administered in accordance with OJT Special Provisions included in the contract. The DCCM will approve the contractor's training schedules and may modify the number of trainees estimated on the contract on certain projects that are not conducive to meeting the training obligations.

## 11.0 WAGE RATES AND PAYROLLS

**NOTE:** *This section is the responsibility of the Office of Construction and is provided here as a convenience for the DCCO.*

The primary review of payroll documents is the responsibility of the Resident Compliance Specialist. The DCCO will monitor compliance through periodic visits to the Resident Engineer's Office to review wage rate violations. The DCCO will assist the Resident Engineer's Office as required.

At the preconstruction conference, the contractor is reminded of several requirements in the federal-aid contract. One of these requirements is the submittal of payrolls from all contractors and subcontractors working on projects that exceed \$2,000.00, per **FHWA Form 1273, Section V**.

When payroll requirements are discussed it must be remembered that there are other forms that are linked to the submittal of payrolls which should be identified. These forms are:

- (A) Wage and Hour Record FDOT Form 700-010-69 (which includes the Weekly Statement of Compliance and payroll reporting);

- (B) Employee Interview Report Labor/EEO Compliance Form 700-010-63;
- (C) Notification to Contractor and FHWA of Non-compliance with the Work Hours Act -Form 700-010-59; and
- (D) Additional Wage Rate Classification Request Form 700-010-07.

## **12.0 SCHEDULE OF PREVAILING WAGE RATES**

The Schedule of Prevailing Wage Rates lists the job classifications and the minimum wage to be paid for each employee. The contractor should review this schedule and determine if it is necessary to have additional classifications added. If additional classifications are needed, the Contractor is to submit a request form to the Department's Prevailing Wage Rate Coordinator in Tallahassee. In some cases, the classification may be approved but the pay may be altered. If the Schedule is determined to fit the contractor's needs, only those classifications listed on the Schedule will appear on the payrolls submitted by the contractor and subcontractors.

## **12.1 PAYROLLS AND CERTIFICATION**

Refer to the ***Construction Project Administration Manual, Topic No. 700-00-000; Chapter 5.4 Contract Wage Requirements.***

## **13.0 TRAINING**

None Required

## **14.0 FORMS**

Refer to the forms library for an index of forms referenced in the ***Equal Opportunity Construction Contract Compliance Workbook***. The index is located on the Equal Opportunity Office's web site at:

<http://formserver.dot.state.fl.us/capture/listings/FormListing.aspx?ListType=FormOffice&Office=EQUAL+OPPORTUNITY+OFFICE>

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

# COMMERCIALLY USEFUL FUNCTION (CUF) DBE MONITORING REPORT

## SECTION 1: PROJECT IDENTIFICATION

1. Financial Project No.	2. F.A.P. No.	3. Contract No.	4. County	5. District
6. Prime Contractor	7. FEID No.	8. Contract Begin Date	9. Est. Completion Date	10. Is Prime a DBE? <input type="checkbox"/> No <input type="checkbox"/> Yes

## SECTION 2: DBE IDENTIFICATION

11. DBE's FEID No.	12. DBE Co. Name
13. Mailing address & phone number used for project communication Phone ( )	
14. NAICS / Specialty Codes (from DBE's Profile in FDOT DBE Directory)	NAICS/ Specialty Code
15. DBE's function on this Contract <input type="checkbox"/> Subcontractor <input type="checkbox"/> Rental Agreement without operator <input type="checkbox"/> Rental Agreement with operator	16. DBE's Begin date
17. If DBE is a Subcontractor, Identify tier.	<input type="checkbox"/> 1 <sup>st</sup> Tier <input type="checkbox"/> 2 <sup>nd</sup> Tier <input type="checkbox"/> 3 <sup>rd</sup> Tier
18. Name of company DBE is subordinate to (or 'Prime' if 1 <sup>st</sup> tier)	<input type="checkbox"/> Prime

## SECTION 3: OBSERVATION OF DBE'S, WORK, WORKFORCE & EQUIPMENT

19. Date Observed	20. Observer's Name (first & last)				
21. Description of work being performed					
22. Foreman's name (first/last) & employer	Name Employer				
23. Number & type of workers (exclude foreman)					
24. Number and type of equipment & tools used <input type="checkbox"/> None					
TRUE	FALSE	25. WORKFORCE OF THE DBE:	TRUE	FALSE	26. EQUIPMENT OF THE DBE:
<input type="checkbox"/>	<input type="checkbox"/>	A. Uniforms have DBE's Co. name <input type="checkbox"/> No uniforms	<input type="checkbox"/>	<input type="checkbox"/>	A. Name is painted or a permanent decal <input type="checkbox"/> No name on any <input type="checkbox"/> No name on some
<input type="checkbox"/>	<input type="checkbox"/>	B. Only Workers/Foremen from the DBE company are performing the work	<input type="checkbox"/>	<input type="checkbox"/>	B. Name on equipment is DBE Co. name (box 12)
<input type="checkbox"/>	<input type="checkbox"/>	C. DBE appears to control/supervise their own work	<input type="checkbox"/>	<input type="checkbox"/>	C. DBE appears to be using their own equipment
27. Observer's comments: <input type="checkbox"/> N/A					

## SECTION 4: DBE ADMINISTRATIVE REVIEW

28. Date Reviewed	29. Reviewer's Name:	30. ADBEPS amount			
TRUE	FALSE	31. Observ. VS Payrolls, Daily Work Report, Bizweb	TRUE	FALSE	34. DBE Sublet & ADBEPS Data
<input type="checkbox"/>	<input type="checkbox"/>	A. DBE's Payroll reflects no. & type of workers in #23	<input type="checkbox"/>	<input type="checkbox"/>	A. Observed work is included in DBE's certified areas (Box 14)
<input type="checkbox"/>	<input type="checkbox"/>	B. Daily Diary reflects foreman (#22) and workers (#23)	<input type="checkbox"/>	<input type="checkbox"/>	B. Observed work is listed on the ADBEPS
<input type="checkbox"/>	<input type="checkbox"/>	C. Payrolls from other contractors do not include the names of the DBE's employees or the DBE's foreman	<input type="checkbox"/>	<input type="checkbox"/>	C. DBE has not subcontracted to other companies. If False (DBE has subcontracted work to others) List the companies DBE - Y or N
<input type="checkbox"/>	<input type="checkbox"/>	D. Payments to DBE are in EOR System <input type="checkbox"/> Too close to DBE's begin date (see Box 16)			
33. Reviewer's Comments <input type="checkbox"/> None					
34. Attachments: Mark 'Y' or 'NA'		Daily Work Report	DBE's Certified Payroll		
		Certification of Sublet Work w/Schedule A	Notice of Rental Agreements		
		Notification for Use of Temporary Employment Agency	DBE Directory-print out of DBE's		
		EOR payment screens	Photos of DBE's work		

## SECTION 5: RECORD OF REPORT REVIEW

34. Title	36. First & last name-print/type	37. Signature	38. Date	39. Recorded data reflects CUF
Proj Adm.				<input type="checkbox"/> more investigation <input type="checkbox"/> Yes
DCCM				<input type="checkbox"/> more investigation <input type="checkbox"/> Yes

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

**State of Florida Department of Transportation  
 Commercially Useful Function (CUF) DBE Monitoring Report Instructions for Completing Form**

**Scope:** This form is used on Federally Assisted Construction Projects, including ARRA & LAP, to affirm the commercially useful function characteristics of Disadvantaged Business Enterprise ('DBE') subcontractors.

<b>When is form 275-021-18 used?</b>	<b>DBE Prime or DBE Subcontractor (any tier)</b>	<b>DBE Trucker- (any tier)</b>	<b>DBE Material Supplier or DBE Manufacturer</b>
Federally funded ('FAP') Construction Project	Yes	No	No
State Funded Construction Project	No	No	No
Professional Services Company on: State funded or FAP Construction Project	No	No	No
Professional Services Company on State funded or FAP Professional Services Contract	No	No	No

**General:**

- The purpose of this form is to record data evidencing compliance or noncompliance with DBE program requirements. One day's observation of one DBE company is recorded on a form.
- If observation covers more than one day, a form is used for each day.
- If more than one DBE firm is observed on a day, a form is completed for each DBE company each day.

**Form Preparation:**

- The RCS should complete Sections 1 and 2 and Box 36 in Section 5 as soon as a DBE is listed on an Anticipated DBE Participation Statement (Forms 275-030-12 or 275-030-11A).
- At least three (3) copies should be made of the prepared form and they should be organized in such a manner that the RCS can readily distribute a copy of the form to a field inspector as soon as it is determined the DBE is active on the project.
- Following the first observation, the RCS distributes the form at least two more times (each succeeding month) so that a minimum of three (3) forms are completed during the DBE's first three active months.

**Field Observation:**

- The inspector (or other FDOT representatives in the field) completes Section 3 of the form based on their actual observation of the DBE's workforce, supervisor, equipment and work performed on a single day.
- The completed form is returned to the RCS.

**Administrative Review:**

- The RCS should promptly review the Observation section when the report is turned in and request any clarification.
- Section 4 is completed by the RCS once the DBE's certified payroll for the date observed is received; which may be up to two weeks after the observation.
- Several project records (Box 34) are referenced by the RCS in completing Section 4 and they are attached to the completed form when it is referred to the Project Administrator and District Contract Compliance Manager for signature and review.

**Section 1: Project Identification**

- Box 1: **Fin. Proj No.** – the Financial Project Number
- Box 2: **FAP No.** – the Federal Aid Project Number assigned to federally funded projects
- Box 3: **Contract No.** - the project's contract number.
- Box 4: **County** – county or counties project work is being performed in
- Box 5: **District** – the FDOT District number designation where the project is located (Districts are 1-7, and the Turnpike District).
- Box 6: **Prime Contractor Name** – the name of the prime contractor.
- Box 7: **FEID No.** – the Prime contractor's Federal Identification Number
- Box 8: **Contract Begin Date** – starting month/day/year
- Box 9: **Estimated Completion Date**- month/day/year the contract is expected to be complete  
Note: this box may require updating during the term of the project
- Box 10: **Is Prime a DBE?** - refer to DBE Directory and indicate yes or no

**Section 2: DBE Identification**

- Box 11: **DBE's FEID No.** -the DBE contractor's Federal Identification Number
- Box 12: **DBE Co. Name** – name of the DBE firm.
- Box 13: **DBE'S mailing address and phone used for project communication**- street, city, state, zip code and full phone number of DBE
- Box 14: **NAICS / Specialty Code**- refer to the DBE Directory data for the DBE firm and record each of their NAICS Specialty codes (up to 6)
- Box 15: **DBE's function on this contract**- mark the appropriate function
- Box 16: **DBE's Begin Date** –month/day/year DBE began work on the contract
- Box 17: **If DBE is a subcontractor, identify their tier-** (1<sup>st</sup> tier is directly under the prime)
- Box 18: **Name of Contractor DBE is Subordinate to-** mark prime if first tier or indicate the name of the firm the DBE is subordinate to

**Section 3: Observation of DBE's Work and Workforce**

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

This is a record of activity observed throughout one work day or at single time on one day.

**OBSERVATION OF WORK**

Box 19: Date observed- month/day/year work was observed

Box 20: Observer's Name- first and last name of observer for the Department

Box 21: Description of Work Performed- brief statement of the work the DBE was seen performing.

Box 22: Foreman's name (first/last) and their employer-ask the foreman for this information. If there is no foreman, provide the name of the individual directing the work.

Box 23: Number and type of workers (exclude the foreman)-list the number and type of workers engaged in the work e.g. common, skilled, equipment operator.

Box 24: Number and type of equipment and hand tools in use- mark none or list the number and type e.g., 1-concrete vibrator, 1-water truck, 2-hammers etc.

**Box 25: OBSERVATION OF DBE'S WORKFORCE** Three questions are asked to determine if the DBE appears to be employing their own workers Mark true or false to each.

- A. The Uniforms have DBE's Co. name? – may also mark 'no uniforms'
- B. Only Workers/foreman of the DBE Company is performing the work; Workers, foremen and/or superintendents of other subs or the prime are not involved in the work of the DBE?
- C. DBE appears to control/supervise its own work?

**Box 26: OBSERVATION OF EQUIPMENT DBE IS USING** Three questions are asked to determine if the DBE appears to have its own equipment and is not using the equipment of the prime or another subcontractor. Mark True or False

- A. Name is painted or a permanent decal? –may also mark 'no name on any equipment' or 'no name on some'
- B. Name (on equipment) is the DBE's company name (box 12)?
- C. DBE appears to be using its own equipment?

Box 27: Observer comments-mark 'None' or clarify data/ note concerns

**Section 4: DBE Administrative Review**

Box 28: Date Reviewed- month/day/year Section 4 is being completed

Box 29: Reviewer's Name- first and last name of person completing Section 4; usually, the RCS

Box 30: ADBEPS Amount- The dollar amount for this DBE on the most recent Anticipated DBE Participation Statement (ADBEPS)

**Box 31: OBSERVATION VS PAYROLLS, DAILY WORK REPORT & BIZWEB** Four questions are asked comparing the observation to project records. Mark true or false to each. The following records are needed for this section: DBE's payroll that includes observation date, Daily Work Report for observation date, EOR screen print for payment period(s) associated with observation date.

- A. DBE's Payroll reflects no. & type of workers in #23?
- B. Daily diary reflects foreman (#22) and workers (#23)?
- C. Payrolls from other contractors do not include the names of the DBE's employees or the DBE's foreman?
- D. Payments to DBE are in EOR System? Mark 'too close to begin date' if there are no payments. Note that payments may start 30-90 days after the DBE's begin date.

**Box 32. DBE Sublet & ADBEPS Data** Three questions are asked to determine if the DBE is doing the work intended in the sublet. Mark yes or no

- A. Observed work is included in DBE's Certified Areas- compare observed work ( box 21, 23, 24) with NAICS code description
- B. Observed work is listed on ADBEPS- compare observed work (box 21, 23, 24) with description on ADBEPS form
- C. The DBE has not subcontracted to other companies.

If the DBE has subcontracted to other companies, mark FALSE and name the company and indicate if that company is a DBE

**Box 33 Reviewer's Comments** -mark 'None' or clarify data/ note concerns

**Box 34: Attachments** -collect pertinent documents. Note that some, such as the Rental Agreement or Temporary Agency forms may not apply.

Daily Work Report (from Site manager or Construction Dashboard) or Daily Report of Construction (700-010-13)

Certification of Sublet Work involving DBE with Schedule A (700-010-36)

Notification for Use of Temporary Employment Agency/Day Laborers Involving DBE (275-021-15)

EOR payment screens for months following Observation Date- including screens showing zero payment

DBE's certified payroll/Wage and Hour record (700-010-69)

Notice of Rental Agreements involving DBE (700-010-11)

DBE Directory- print out of DBE's 'Profile' screen

Photos of DBE's work on Observation date (if available)

Mark Y (yes) or NA to indicate if the document is or is not attached.

<input type="checkbox"/>	Daily Work Report	<input type="checkbox"/>	DBE's Certified payroll
<input type="checkbox"/>	Certification of Sublet Work w/ Schedule A	<input type="checkbox"/>	Notice of Rental Agreements
<input type="checkbox"/>	Notification for Use of Temporary Employment Agency	<input type="checkbox"/>	DBE Directory- print out of DBE's
<input type="checkbox"/>	EOR payment screens	<input type="checkbox"/>	Photos of DBE's work

**Section 5: Record of Report Review**

**Box 35:** The RCS completes box 36 – names of reviewers-Project Administrator and the District Contract Compliance Manager,

Once all data in Sections 1 through 4 are complete, submit the CUF form along with the attachments marked Y in Box 34 to the Project Administrator and then to the District Contract Compliance Manager. When the form and its attachments are returned and signed by both, retain the form and the attachments as one document package. If either party marks "more investigation" in Box 38 coordinate a review meeting with the Project Administrator and DCCM.

# FLORIDA DEPARTMENT OF TRANSPORTATION

275-030-14

## DBE TRUCKING CERTIFICATION

Equal Opportunity Office  
12/12

<b>PRIME CONTRACTOR:</b>		<b>Invoice Period:</b>	
<b>DBE TRUCKING FIRM:</b>		<b>Invoice Amount:</b>	<b>\$0.00</b>
<b>Financial No.:</b>		<b>START DATE:</b>	
<b>Contract #:</b>		<b>FINISH DATE:</b>	
<b>FAP #:</b>			
<b>County:</b>			

**FAILURE TO PROVIDE THE REQUESTED INFORMATION SHALL DELAY PROCESSING OF INVOICE(S).**

- This form must be submitted to Prime Contractor for approved trucking invoices as applicable) to the reported period in accordance with the Contract Documents .
- For each firm identified, all applicable sections must be accounted for – do not write “See Attached”.
- Check "✓" all boxes that apply

Trucking Firm Utilization	Invoice Amount This Period	DBE Amount This Period*	* includes transportation services and commissions/fees	
	\$ -	\$ -	<b>TO DATE</b>	
		\$ -	<b>TOTAL INVOICES:</b>	\$ -
		\$ -	<b>DBE DOLLARS (Transportation Services and Commissions):</b>	\$ -
		\$ -	<b>OBE TRUCKING DOLLARS:</b>	\$ -
		\$ -	<b>OBE COMMISSIONS:</b>	\$ -
		\$ -	<b>MATCH</b>	
		\$ -	(TO BE PERFORMED AT COMPLETION OF SERVICES RENDERED)	
OBE Trucking Dollars	\$ -		<b>DBE DOLLARS (Services and Comm):</b>	\$ -
OBE Commissions	\$ -	\$ -	<b>OBE TRUCKING DOLLARS MATCHED</b>	\$ -
<b>Total:</b>	<b>\$ -</b>	\$ -	<b>OBE COMMISSIONS (if applicable)</b>	\$ -

I CERTIFY, TO THE BEST OF MY KNOWLEDGE AND IN GOOD FAITH, THAT THE INFORMATION RECORDED ON THIS CERTIFICATION IS ACCURATE.

DBE Trucking Firm Representative: \_\_\_\_\_  
Print Name

DBE Trucking Firm Signature: \_\_\_\_\_ Date: \_\_\_\_\_

A false statement or omission made in connection with this certification is sufficient cause for suspension, revocation, or denial of qualification to bid, and a determination of non-responsibility, and may subject the person and/or entity making the false statement to any and all civil and criminal penalties available pursuant to applicable Federal and State Law.

## FLORIDA DEPARTMENT OF TRANSPORTATION

### METHODOLOGY FOR DETERMINING DBE GOAL (49 CFR 26.45) FEDERAL FISCAL YEAR 2015

#### OVERALL GOAL

The overall goal for the Florida Department of Transportation's (FDOT) Disadvantaged Business Enterprise (DBE) program for FHWA assisted contracts is established on a triennial basis. The overall goal for federal fiscal years 2015 - 2017 has been set at **9.91%** utilizing the methodologies described in 49 CFR Part 26.

#### METHODOLOGY

In setting the goal for FDOT, it is required that the goal setting process begin with a base figure for the relative availability of DBEs. The overall goal must be based on demonstrable evidence of the availability of ready, willing, and able DBEs relative to all businesses ready, willing, and able to participate on FHWA assisted contracts.

FDOT has reviewed the alternatives listed in 49 CFR Part 26 and selected the bidders list as the best approach for goal development. FDOT has gathered information for the bidders list from the sources below and has included those firms bidding during one or more of the 2011 thru 2013 calendar years. The bidders list includes both successful and unsuccessful bidders, primes and subs, and DBEs and non-DBEs. Three years was used for the bidders list because it would incorporate the largest number of likely participating bidders, especially small businesses who may only be able to work on one large contract that may last more than a year. Capturing three years of bidders also ensures that FDOT has the more complete information and would more likely include businesses that should have, but did not show up on a list that included only one year. The sources are:

- Subcontractors listed on the Bidders Opportunity List that is provided by primes in their bids submitted to the Contracts Administration Office for construction contracts and the Procurement Office for professional services contracts; this form is provided whether they were awarded the bid or not.
- Reports from Trns\*port that list all bidders, successful bidders, and their listed subcontractors.
- Reports from the Professional Services Information System that lists all bidders, successful bidders, and their listed subconsultants.

- Bidders entered into the new Equal Opportunity Compliance system that was operational since October 2012.

Most of this information was entered into our Equal Opportunity Reporting System (BizTrak) that generated the reports for the step one analysis.

### **Step One**

In the analysis of the relative availability of DBEs, FDOT reviewed the last three years to determine the median percentage of dollars expected to be available for the two major work categories: construction and consulting. Construction contractors received 91.08% of the awarded federal dollars and professional services consultants received 8.92% of the awarded federal dollars.

#### **CONSTRUCTION CONTRACTORS:**

FDOT's Trns\*port System has adequate information to identify how much dollars FDOT spends on different types of construction work. FDOT, however, does not prequalify and does not have enough data to report on the types of work performed by all subcontractors. Therefore, FDOT cannot weight the dollars for construction by the type of work. FDOT, however, has developed a new reporting system called the Equal Opportunity Compliance system that was operational in October 2012. The system should produce the necessary information for the next triennial period to weight the construction goal by type of work. The only reliable information related to weighting that can be used in construction at this time is in major and intermediate bridges where FDOT has no DBEs that can perform this work. FDOT estimates that 1.58% of our federal funds are used for major bridges. After subtracting these dollars from this analysis, FDOT estimates that 89.50% (91.08% - 1.58%) of our dollars are available for DBEs in construction work.

FDOT reviewed the bidders list and found that a total of approximately 3,512 firms were bidding as either a prime or a subcontractor on construction projects. Of this amount approximately 352 or 10.02% were DBEs. Each business was counted only once regardless if they were bidding as a prime or a subconsultant.

Given that 89.50% of FDOT's dollars are available for DBEs in construction work and that 10.02% of the construction bidders are DBEs, FDOT would expect that 8.97% of all dollars awarded would be awarded to DBEs in construction work. This is represented by the following calculation: **.1002 x 89.5% = 8.97%**

#### **PROFESSIONAL SERVICES CONSULTANTS:**

The median dollars received by the consultant industry over the last three years was 8.92% of the federal dollars. FDOT prequalifies all of our professional

services' firms by work category and also tracks the dollars spent in each of these work categories. Therefore, FDOT is able to weight our calculations by each work group. The following table provides the percentage of dollars that DBEs would be expected to receive by work category:

PREQUALIFICATION AREA	DBEs & TOTAL BIDDING	DBEs BIDDING	PERCENT OF DBES BIDDING	PERCENT FEDERAL DOLLARS	PERCENT FOR DBES
PD & E Studies	91	17	18.68%	18.47%	3.45%
Minor Highway Design	305	107	35.08%	12.13%	4.26%
Major Highway Design	179	55	30.73%	15.00%	4.61%
Controlled Access Hwy Design	119	35	29.41%	14.86%	4.37%
Major Bridge Design - Concrete	44	6	13.64%	0.02%	0.00%
Major Bridge Design - Steel	66	7	10.61%	0.03%	0.00%
Moveable Span Bridge Design	7	0	0.00%	0.10%	0.00%
Conventional Bridge Inspection	78	20	25.64%	2.76%	0.71%
Traffic Systems Analysis & Design	80	21	26.25%	0.04%	0.01%
Traffic Eng. Systems Implementation	67	15	22.39%	0.04%	0.01%
Signing, Marking & Channelization	240	86	35.83%	0.11%	0.04%
Roadway CEI	191	79	41.36%	31.91%	13.20%
Minor Bridge & Misc. Structures CEI	72	22	30.56%	0.28%	0.09%
Major Bridge CEI - Concrete	25	2	8.00%	2.22%	0.18%
Subarea/Corridor Planning	137	40	29.20%	0.55%	0.16%
Acquisition, Negotiation Closing	15	4	26.67%	1.49%	0.40%
Weighted Availability of DBEs				100.01%	31.48%

The weighted DBE consultant availability is 31.48%. Given that consultants would get 8.92% of the total federal dollars awarded, FDOT would expect that 2.81% of all dollars awarded would be awarded to DBE consultants. This is represented by the following calculation:  $.3148 \times 8.92 = 2.81\%$

**Step One Result:**

<b>Contractor Availability</b>	<b>8.97%</b>
<b>Professional Services Consultant Availability</b>	<b>2.81%</b>

## **Baseline Figure**

**11.78% relative  
DBE availability**

The results of step one indicate that 11.78% is a valid base figure under current rules and processes for the determination of availability. This has been determined based on the most accurate information available.

## **Step Two**

According to 49 CFR Part 26, step two of the calculation process should examine the evidence available to determine if adjustments are needed in the base figure to arrive at an overall goal. The last DBE Disparity Study conducted for FDOT was dated January 1999 and reviewed data from July 1991 through December 1997. This study conducted by MGT of America recommended “the suspension of current race and gender preference programs” and “the establishment of race and gender neutral programs which assist all small businesses.” The only other evidence that was available to be considered to determine if an adjustment was warranted was the capacity of DBEs measured by the past volume of work performed between 2002 and 2013.

### **PAST PARTICIPATION**

To analyze past performance, FDOT narrowly tailored our review by reviewing the performance of contractors and consultants separately over the past 12 years. In the past twelve federal fiscal years from 2002 thru 2013, DBE contractors performed 3.85%, 4.66%, 6.13%, 6.71%, 5.98%, 6.16%, 5.01%, 4.88%, 6.49%, 6.83%, 7.61% and 10.31% respectively of the Federal-aid work, in dollars. The median past participation over these twelve years is 6.145% and the relative availability of DBE contractors as determined in step one is 8.97%. To incorporate past performance, the appropriate adjustment is to average the median past participation (6.15%) and the relative availability (8.97%). This average is 7.56%, which results in an downward adjustment to the relative availability of 1.41% for contractors.

In the same fiscal years, DBE consultants performed 1.25%, 3.17%, 1.42%, 1.32%, 2.17%, 1.99%, 2.74%, 3.28%, 1.78%, 1.67%, 2.70% and 1.47% respectively, of the Federal-aid work, in dollars. The median past participation over these nine years is 1.89%. The relative availability of DBE consultants as determined in step one is 2.81%. To incorporate past performance, the appropriate adjustment is to average the median past participation (1.89%) and the relative availability (2.81%). This average is 2.35%, which results in a downward adjustment to the relative availability of .46% for consultants.

PAST PARTICIPATION

<u>Fed Fiscal Year</u>	<u>% work by DBE</u>	<u>% DBE Contractors</u>	<u>% DBE Consultants</u>
<u>2002</u>	<u>5.10</u>	<u>3.85</u>	<u>1.25</u>
<u>2003</u>	<u>7.83</u>	<u>4.66</u>	<u>3.17</u>
<u>2004</u>	<u>7.55</u>	<u>6.13</u>	<u>1.42</u>
<u>2005</u>	<u>8.03</u>	<u>6.71</u>	<u>1.32</u>
<u>2006</u>	<u>8.15</u>	<u>5.98</u>	<u>2.17</u>
<u>2007</u>	<u>8.15</u>	<u>6.16</u>	<u>1.99</u>
<u>2008</u>	<u>7.75</u>	<u>5.01</u>	<u>2.74</u>
<u>2009</u>	<u>8.16</u>	<u>4.88</u>	<u>3.28</u>
<u>2010</u>	<u>8.27</u>	<u>6.49</u>	<u>1.78</u>
<u>2011</u>	<u>8.50</u>	<u>6.83</u>	<u>1.67</u>
<u>2012</u>	<u>10.31</u>	<u>7.61</u>	<u>2.70</u>
<u>2013</u>	<u>11.78</u>	<u>10.31</u>	<u>1.47</u>
<u>Median</u>		<u>6.15</u>	<u>1.89</u>

Therefore, the proposed DBE goal is represented by the following calculation:

<b>Baseline Figure:</b>	<b>11.78%</b>
<b>Adjustment for Contractors:</b>	<b>- 1.41%</b>
<b>Adjustment for Professional Services Consultants:</b>	<b>- .46%</b>
<b>Proposed DBE Goal:</b>	<b>9.91%</b>

RACE CONSCIOUS PARTICIPATION

In federal fiscal year 2013, FDOT’s DBE participation goal was 8.60%. The actual DBE participation was 11.78% of federally funded contracts which was 2.18% higher than the established goal. On state funded contracts, DBE participation was 10.88%; DBE participation on federal and state funded contracts combined was 11.38%. The DBE participation goal for the current federal fiscal year is 8.60% and through June 30, 2014 DBE participation on federally funded contracts is 10.07%. On state funded contracts the DBE participation is 11.91% and federal and state funds combined is 10.97%.

Race Neutral Methods

FDOT has initiated many new strategies over the past nine years and is continuing to develop and implement others. Some of the strategies that have been implemented in these years have taken time to mature and show results, but the efforts are productive. One of the significant race neutral strategies has

been the implementation of the Business Development Initiative (BDI). This Initiative was implemented on state funded projects in July 2006. FDOT originally submitted a request to apply this Initiative on federally funded contracts as a race neutral method in our DBE goal calculation methodology in FDOT's submittal to the FHWA on July 26, 2006. After much delay, FDOT was asked to request this approval separately. On March 6, 2007 FDOT submitted a proposal to the FHWA Florida Division requesting to also apply the BDI to federally funded projects. On September 25, 2007, the FHWA Florida Division forwarded the request to FHWA headquarter for approval as an SEP 14. In March 2009, the FHWA approved the BDI on federal funded projects. This approval increased the number of BDI contracts because of the smaller contracts associated with the American Recovery and Reinvestment Act (ARRA). Since the most recent annual update to FHWA, there were an additional ten ARRA projects added to the program. The Department has also considered local agency (LAP) projects for the BDI as well.

The Department has fully supported the concept of the BDI, as shown by the following accomplishments during the last state fiscal year:

- 99 BDI contracts (36 Professional Services and 63 Construction/Maintenance) were executed totaling approximately \$29 million;
- 42 or 42% were executed to DBEs as a prime contractor/consultant;
- 24 or 24% were federally funded contracts;
- 78 different small business firms received work with the Department from the BDI; 32 or 41% were DBEs;
- 14 small businesses were first time primes with the Department.

The BDI has been successful in assisting small firms to become a prime and in growing their business to eventually compete on larger contracts. Also, the BDI has been instrumental in creating much needed jobs as stated by this unsolicited response:

*"This program has been of great importance to our firm. We were fortunate enough to win one project with FDOT and one other project with another governmental agency that have made a real difference. These projects provided us with the ability to expand our firm and hire several employees and create some much needed jobs in our community. We urge you to continue and hopefully grow this program in order to provide firms like ours a real opportunity for competing and creating the much needed jobs."*-**Fursan S. Munjed, P.E. Pegasus Engineering, LLC**

Other race neutral methods that are being used include:

1. The Construction Management Development Program (CMDP) is a voluntary program designed to improve and develop skills of owners and

managers enabling them to perform successfully on FDOT projects. Courses offered are Business Management, Construction Accounting, Construction Math and Estimating, Contracts, Specifications and Law, Scheduling for FDOT and Plan Reading for FDOT. Once the owner(s) or manager(s) of a DBE firm completes the prescribed course(s), the firm will receive a Certificate of Proficiency and will graduate into the Bond Guarantee Program.

2. Reserving contracts for small businesses under the Department's Business Development Initiative. The Department's goal is to reserve 10% of the construction/maintenance contracts and 15% of the professional services contracts to small businesses.
3. To address concerns about overconcentration in certain areas of professional services, the Department has taken measures to address the underutilization of small businesses. The Department is encouraging primes to use small businesses in areas where they are underutilized. Underutilization is defined by the Department as 30% or less DBE and small business utilization level for advertised Work Groups. Underutilization levels vary by district.
4. Providing technical assistance and other services to DBEs and other small businesses with special emphasis on marketing.
5. Providing assistance in overcoming limitations such as inability to obtain bonding or financing.
6. Working with prime contractors, consultants, the Florida Transportation Builders Association, and the Florida Institute of Consulting Engineers to encourage the use of DBEs.

## **PUBLIC PARTICIPATION**

### CONSULTATION PROCESS

On June 6, 2014, the Florida Department of Transportation (FDOT) published its first notice to the public regarding the posting of the 2015 Federal Highway & Federal Transit DBE goals and methodology and the ability for the public to view both draft documents and to make comments on line directly to the Equal Opportunity Office. This notice, which was posted on the FDOT Infonet public announcement site, also detailed other public meetings to be held for the same purpose. On June 9<sup>th</sup>, the same notice was published in the Florida Administrative Register.

On June 16, 2014, FDOT held an open outreach meeting in Tallahassee, Florida at 12:00 noon in the FDOT Haydon Burns building. The purpose of the meeting was to kick – off public discussion of the 2015 Federal Highway & Federal Transit DBE goals and methodology. Along with the kick – off meeting, three other public meetings were noticed as well. The other meetings were: June 23<sup>rd</sup> in Orlando; June 25<sup>th</sup> in Miami; June 27<sup>th</sup> in Tallahassee. The time for the three other meetings was 6:00pm. The Tallahassee meeting on June 27<sup>th</sup> was also

broadcast as a webinar. In addition to noticing these meetings in the two methods above, the three evening meetings were also noticed by the placement of public notice advertisements in the following minority and majority newspapers: La Gaceta (minority – Tampa); Florida Sentinel Bulletin (minority – Tampa); The Weekly Challenger (minority – St. Petersburg); Pensacola News Journal (majority – Pensacola); Sun Sentinel (majority – Miami, Broward, South Palm Bch. Counties); Miami Herald (majority – Miami, Ft. Lauderdale); Tallahassee Democrat (majority – Tallahassee). Meetings were also posted on FDOT's Facebook page.

All meetings and actual draft goal documents were advertised on the websites of the Florida Institute of Consulting Engineers (FICE) and the Florida Transportation Builders Association (FTBA) which are the two major industry associations where both prime and subcontractors and consultants doing work on FDOT projects are members. Along with posting on their websites, both FTBA and FICE emailed the meeting announcement to their respective members. Also, the three Supportive Service Providers, BRG, CEI and the Council who are contracted by FDOT to assist DBE's and SBE's, posted the meetings draft goals on their websites and sent emails to their respective database lists. Between the five groups listed above, approximately 2,500 firms were notified about the public meetings. Combined there were 21 participants in attendance with firms representing 3 non DBE Primes, 1 African American male DBE, 1 Hispanic male DBE, with the remaining persons belonging to FDOT, FHWA, and USDOT. An additional 7 persons participated through the webinar broadcast. At the live meetings, the DBE goal methodology was distributed and fully explained. Questions and answers were provided during and after the presentations.

Another outreach mechanism used to ensure access for stakeholders to make comments on the proposed DBE goals was the use of Survey Monkey to collect individual comments to the draft goals posted on the EOO website. Thirty-nine individuals posted comments.

## COMMENTS

The comments received in the public meetings and the survey tool were mostly questions that required a clarification of the DBE methodology and general questions about how to do business with FDOT. During the consultation process, there were no issues dealing specifically with the DBE goal methodology that required any changes.



EQUAL OPPORTUNITY  
COMPLIANCE



EQUAL OPPORTUNITY COMPLIANCE (EOC) SYSTEM  
PRIME CONTRACTOR/CONSULTANT USER MANUAL



**EQUAL OPPORTUNITY OFFICE**

605 Suwannee Street

MS-65

Tallahassee, FL 32399

[EOOHelp@dot.state.fl.us](mailto:EOOHelp@dot.state.fl.us)

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## INTRODUCTION

The Equal Opportunity Compliance (EOC) is a web based application designed to manage the DBE Program and ensure compliance of DBE/MBE reporting. The EOC Contractor/Consultant module is for **Prime Contractors and Consultants** statewide to report their **Bidder Opportunity List, DBE Commitments, and DBE/MBE Subpayments**. The Prime Contractor/Consultant is responsible for DBE/MBE reporting on **Construction, Maintenance, Professional Services and Local agency contracts**.

Once the Prime Contractor/Consultant is awarded a FDOT contract, the diagram below provides a quick snapshot of the sequence of steps they are required to perform in order to be compliant in EOC.



The purpose of this manual is to provide information for **Contractor/Consultant** users on how to use the EOC system in submitting Bidders Opportunity List, DBE Commitments and DBE/MBE Payments. Items discussed in the manual include:

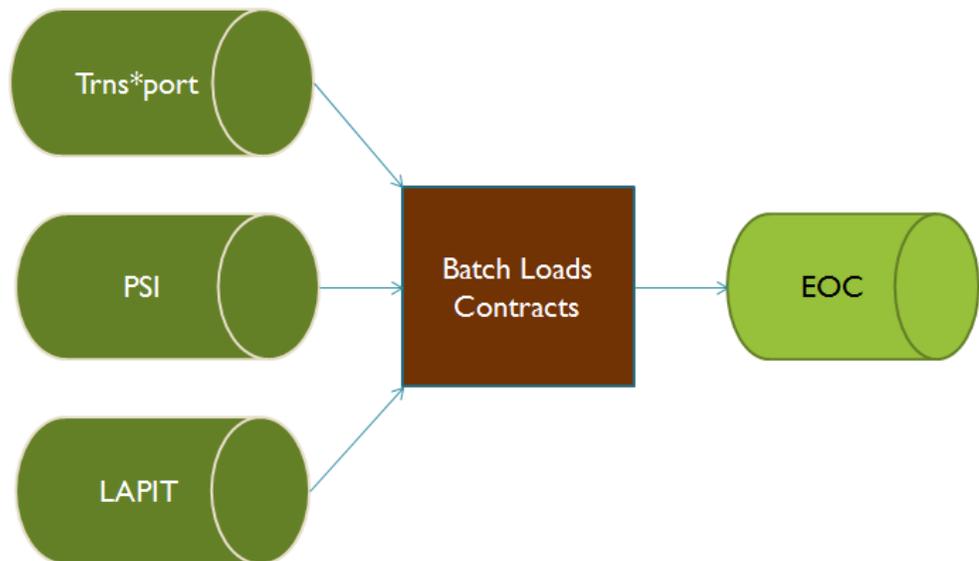
- **Brief Overview of how contracts get into EOC**
- **Request EOC Access**
- **Create Bidders Opportunity List & Subcontractor list**
- **Create Sub agreements**
- **Create DBE Commitments/Anticipated DBE Participation**
- **Report DBE/MBE Payments(new payments, revise existing payments, retainage etc)**
- **Report DBE Commitments and Payments with 60% material supplier code**
- **The Concept of Pay adjustments**
- **Local Agency Contracts**
- **Run Adhoc EOC reports**

# 1. BUSINESS FLOW OF CONTRACTS IN EOC

Contracts in EOC get imported into the application by batch programs that run nightly. These batch jobs add and update contracts from the following three enterprise applications which are **Trns\*port**, **PSI** and **LAPIT**.

- **Trns\*port**: source for Construction/Maintenance contracts
- **PSI**: the source for Professional Service contracts
- **LAPIT**: the source for Local Agency contracts

## Business Flow - Contracts



## 2. EOC ACCESS

Prime Contractors/Consultants that do not have an EOC userid and password will need to fill out the EOC access form; form is located -> [CLICK HERE](#). Please fill out the form and send it to [EOOHelp@dot.state.fl.us](mailto:EOOHelp@dot.state.fl.us). The form can also be located at the link->

<http://www.dot.state.fl.us/equalopportunityoffice/eoc.shtm>

FTE FORM

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

**Equal Opportunity Compliance System Access Request  
New Contractor & Consultant Users**

Equal Opportunity Office

The Florida Department of Transportation, Equal Opportunity Office has been charged with requirements of reporting Disadvantaged Business Enterprise information to the U.S. Department of Transportation, Federal Highway Administration (FHWA) according to the new 49 Code of Federal Regulations Part 26. The Equal Opportunity Compliance (EOC) System was developed to collect, review and report DBE commitments, payments and the bidder opportunity lists. In order to have access to the web based EOC System, please fill out the information below.

**If you are a Prime Contractor/Consultant on a project and will be submitting Payments, DBE Commitments & Bidder Opportunity list in EOC, please complete the following information:**

**New User Information:**

User's First and Last Name (Required): \_\_\_\_\_

User's Phone (Required): \_\_\_\_\_

User's Email Address (Required): \_\_\_\_\_

User's Address (Required):

Street Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

By signing below, I certify that I have read and understand that I am subject to all the provisions of:

- Chapter 119, Florida Statutes - Public Records
- Section 281.501, Florida Statutes - Safety and Security Services
- Chapter 287, Florida Statutes - Communications and Data Processing
- Section 289.218, Florida Statutes - Security of Data and Information Technology Resources
- Chapter 815, Florida Statutes - Computer Related Crimes
- Procedure 000-000-000 - Distribution of Exempt Public Documents Concerning Department Structure and Security System Plans

I understand that every user is responsible for systems security to the degree that his or her job requires the use of information and associated systems. All users are responsible for using information resources only for the purposes for which they are intended, to comply with all controls established by information resource owners and custodians and for protecting sensitive information against unauthorized disclosure. I also understand that it is the user's responsibility to protect all of his or her passwords from being disclosed and to refuse to accept any other user's password. I, personally, and as the representative of the above entity, fully understand the exempt nature of the public records to which I have access and agree to maintain the exempt status of this information in accordance with Florida law.

User's Signature (Required): \_\_\_\_\_ Date (Required): \_\_\_\_\_

Federal Tax Id Number (Required): \_\_\_\_\_

Company Name (Required): \_\_\_\_\_

Company Phone number (Required): \_\_\_\_\_

\*Company Rep. Signature (Required): \_\_\_\_\_ \*Company Rep. Name (Required): \_\_\_\_\_

\*Note: Company Rep Signature & Rep Name is the Authorized Representative of the Company.

Date of Signature (Required): \_\_\_\_\_

Fax completed Form to (860)414-4878 or Email to: [EOOHelp@dot.state.fl.us](mailto:EOOHelp@dot.state.fl.us)  
Forms will be processed 8 AM - 4:30 PM, EST, Monday - Friday excluding holidays

### 3. BIDDER OPPORTUNITY LIST

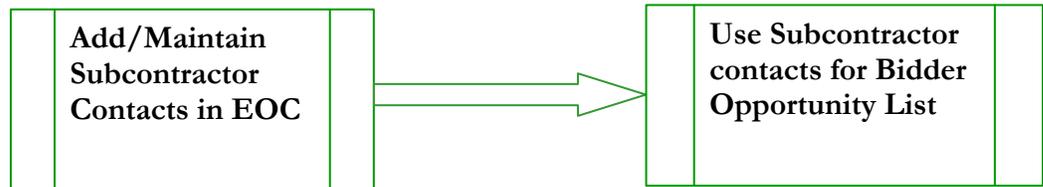
Bidder Opportunity List is a list of vendors that you often get quotes for your bidding. Contractors/Consultants should complete the Bidder Opportunity list in EOC within **3 business days** of submission of the bid proposal.

**NOTE:** The Bidder Opportunity submission in EOC closes after **30 days from contract execution**, this means that EOC will not allow user to submit their Bidder Opportunity after 30 days from the time the contract was executed.

Before setting up your bidder's opportunity list, your first step is to setup your **Subcontractor Contacts** list. The **Subcontractor contact** list is more like a black book or address book that enables the user to setup their Subcontractors or Sub-consultants for their Bidders list.

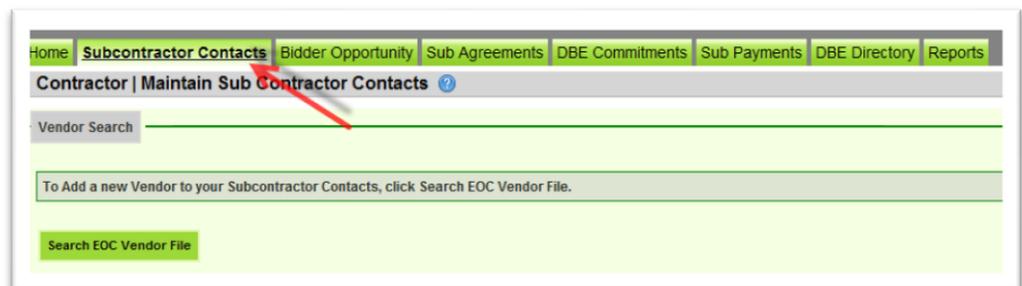
**NOTE:** Once you setup your subcontractor contact list, you can reuse it for other bids in the future. You don't have to set them up again.

#### 3.1 SET UP SUBCONTRACTOR CONTACTS

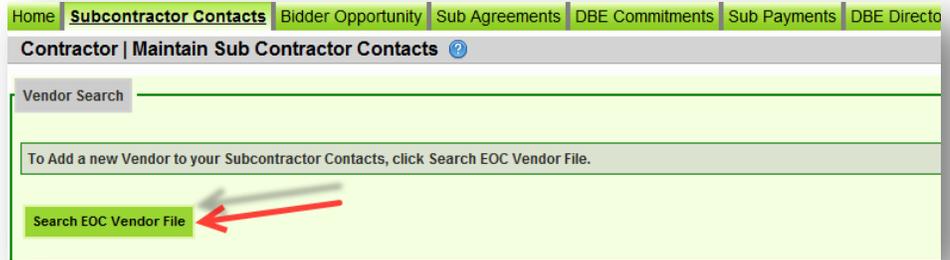


To setup your Subcontractor Contacts, perform the following steps:

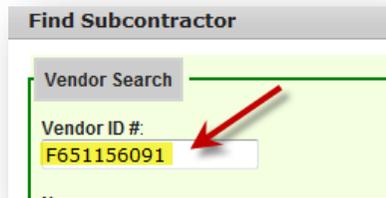
- Click the **Subcontractor Contacts** tab



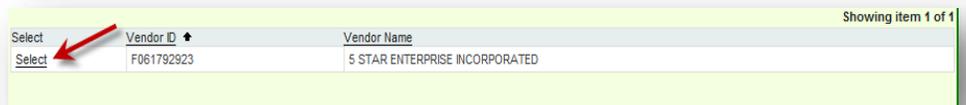
- Select **Search EOC Vendor File** button



- Enter either the Vendor ID or Vendor Name. When searching by Vendor ID; put an **F** at the beginning of the vendor id# (e.g. **F123456789**)



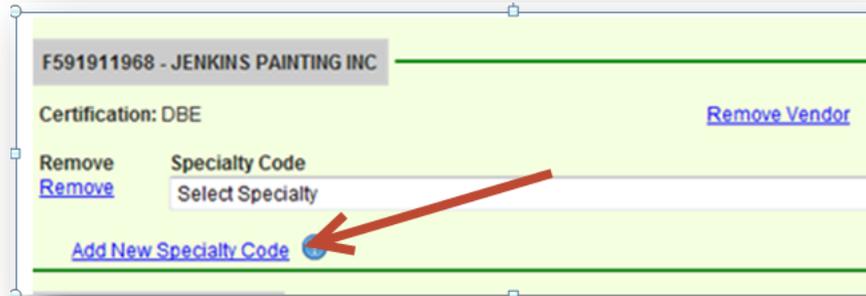
- Next, click the **Search EOC Vendor File** button or **Extended Search of Master Vendor** button
- Click **Select** beside the desired firm



- Select the **Add Selected Vendors** button



- To add the Specialty Code (type of work), Select the **Add New Specialty code** link choose the desired Specialty code from the drop down box.



- Click the **Save** button when done



- You will get a notification that your contacts have been added. Click **Ok** when done.



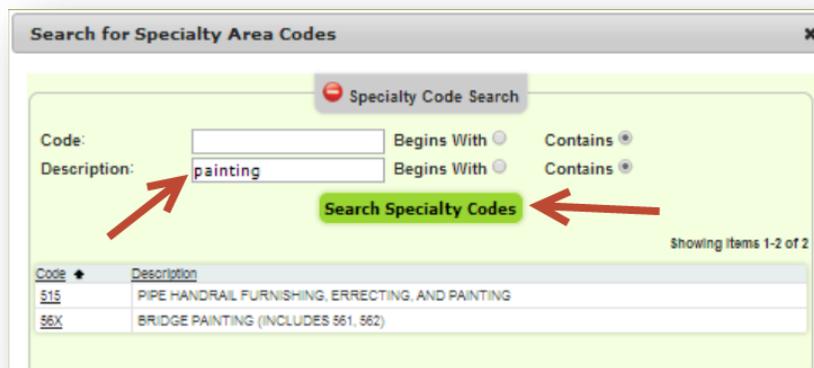
**NOTE:** You can also select the specialty code by clicking the *magnifying glass* to search the code by description.

❖ **Side note:** To use the Magnifying glass to select the specialty code, perform the following steps->

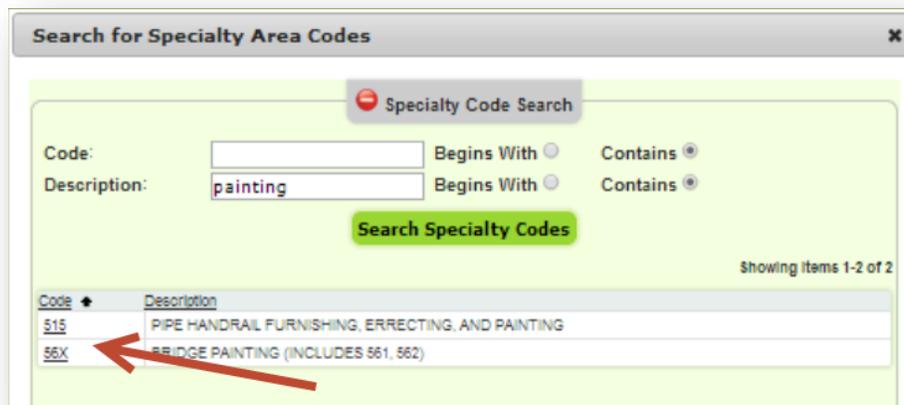
- Select the magnifying glass icon



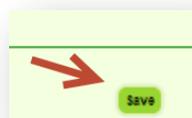
- Enter description in the description box. Next, click the **Search Specialty codes** button.



- Select the desired code when it populates.

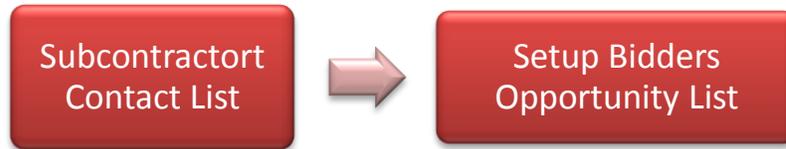


- Click the **Save** button when done.



### 3.2 SET UP BIDDERS OPPORTUNITY LIST

After setting up your **Subcontractor Contacts list**, you can proceed to the Bidders List tab. This section will show you how to report your Bidder opportunity list.



- Enter **proposal ID** in the Proposal ID box. You can also search by using Proposal Category drop down to select the Contract category, advertise dates and district fields.

Enter a Proposal ID OR Select a Proposal Category and select any of the optional fields (Start Dates, End Dates, District) to search the available Proposals.

Proposal ID / LAP Agreement ID (Required):

- OR -

Proposal Category (Required): CONSTRUCTION

Begin Advertise Date:

End Advertise Date:

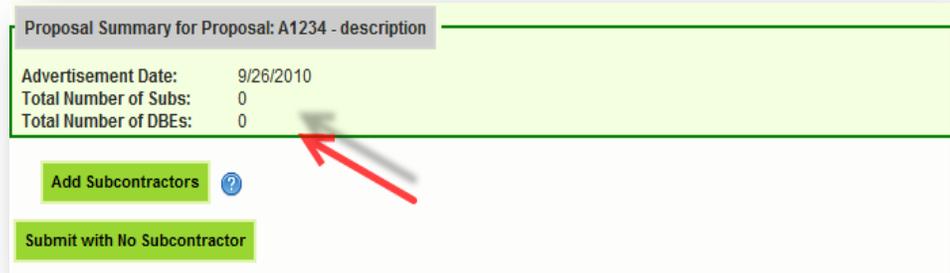
District: ALL

- Next, Click **Search** button
- A set of proposal IDs is displayed, **Click** on the desired proposal ID

proposal ID	Advertise Date	Description
<a href="#">A1234</a>	9/26/2010	description
<a href="#">D4180</a>	6/22/2005	SR-736/Davie
<a href="#">E1C13</a>	2/28/2001	SR 45 (US 41)
<a href="#">E1C30</a>	4/26/2001	MINI-REHAB (
<a href="#">E1C34</a>	4/26/2001	SCOUR COUN

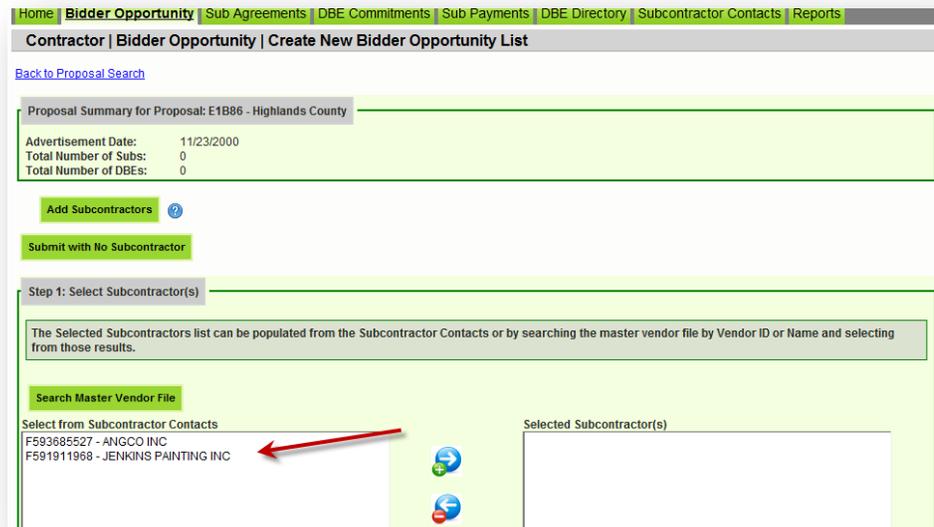
First Page 1 2 3 4 5

- Select the **Add Subcontractors** button on the Proposal Summary screen.



**NOTE:** If you don't have Subcontractors, select the **Submit with No Subcontractor** button.

- After selecting **Add Subcontractors** button, you will notice that the Subcontractors that you setup in your **Subcontractor Contacts** tab page will be displayed.



- Select the desired sub and click the **plus** arrow (  ) to add it. -> **(Helpful tip: To select multiple vendors, hold down Shift key on keyboard and click the subs you want to add)**



- Click the **Continue** button

- Click the **Save and Submit to FDOT** button when done and ready to submit to FDOT. However, if you are not ready to submit to FDOT but would like to save, click the **Save Do Not Submit to FDOT**.

F133386737 - SMITH & WESSON CORP.

Certification: None [Remove Vendor](#)

Remove **NAICS** [Remove](#)  [?](#) **Specialty Code**

[Add New NAICS](#)

**Save and Submit to FDOT** **Save and Do Not Submit to FDOT** **Reset**

- Click **Ok** when confirmation message displays.



**NOTE:** If you clicked the **Save Do Not Submit to FDOT**, the proposal will still appear in your Unsubmitted list. You can make edits to it.

To Edit an Existing list, choose selection criteria and select proposal from list.

Show Me:

Proposals with unsubmitted Bidder Opportunity List

All Proposals

Showing item 1 of 1

Proposal ID	Advertise Date	Description
<a href="#">E1D93</a>	10/2/2003	US 27

- To view and print your Bidders List submission, you can run the **Bidder Opportunity List Report** located in the Reports tab.



## 4.0 SETUP SUBAGREEMENTS

The **Sub agreement tab** in EOC is where the Subcontractor(s)/Subconsultant(s) are setup in preparation for DBE Commitments, DBE/MBE Payments reporting. The diagram below outlines the basic process flow of steps the user needs to accurately do their reporting in EOC.



To setup your Sub agreements, perform the following steps:

- Select the **Sub Agreements** tab



- Enter the **contract ID** in the contract id box



- Click the **Get Contracts** button
- Select the **contract id** and click the **Add New Sub Agreement** button



- Select the **Tier Level** in the drop down box



**NOTE:** Tier level defaults to 1st tier; select the tier level by selecting the drop down arrow on the tier level. 1st tier sub is directly hired by the Prime; 2nd tier is hired by the first level sub, 3rd tier is hired by the second level sub; etc). Select Prime when the **Prime is a DBE** as they have to set themselves as a Sub for DBE reporting.

- Next, click **Select Sub** button to add your Sub

Tier:  Sub:  Sub Vendor ID: N/A  
 Select... Hired By: Click Select Hired By Hire By Vendor ID: N/A  
 Select Sub  
 Select Hired By  
 Delete

- You can search by either the Vendor ID # or the Name of the desired Sub. If the Vendor ID is used, it must be fully entered beginning with an **F** at beginning. (A partial name may be entered and either *Begins With* or *Contains* must be selected).

Vendor Search  
 Vendor ID #: F650469324  
 Name:  
 Begins With  Contains   
 Note: 3 character min when using 'Begins With', 5 character min when using 'Contains'  
 Search EOC Vendor File Extended Search of Master Vendor

- Click on the **EOC Vendor File** search button. If firm doesn't populate, then click on the **Extended Search of Master Vendor** button

Vendor Search  
 Vendor ID #: F650469324  
 Name:  
 Begins With  Contains   
 Note: 3 character min when using 'Begins With', 5 character min when using 'Contains'  
 Search EOC Vendor File Extended Search of Master Vendor

- Choose the vendor by clicking **Select**

Select	Vendor ID ↑	Vendor Name
Select	F650469324	A2 GROUP INC

- Click the **Save** button when done

## 5.0 DBE COMMITMENTS IN EOC

Now that your **Sub agreements** have been setup, you can now report your DBE commitments. DBE Commitment is the **DBE Participation Percentage** or Subcontract that you have with your DBE Subcontractors/Subconsultants. Reporting your DBE Commitment is the initial step you have to perform before reporting DBE payments. **We strongly encourage our EOC users to report DBE Commitments for their Sub(s) as this will have an impact on their DBE Letter Grades. DBE Letter Grades are based on what the Prime reports under the DBE Commitment tab.**

**NOTE:** DBE Commitment reporting is only applicable to **DBE Subs**.



### 5.1 REPORT A DBE COMMITMENT

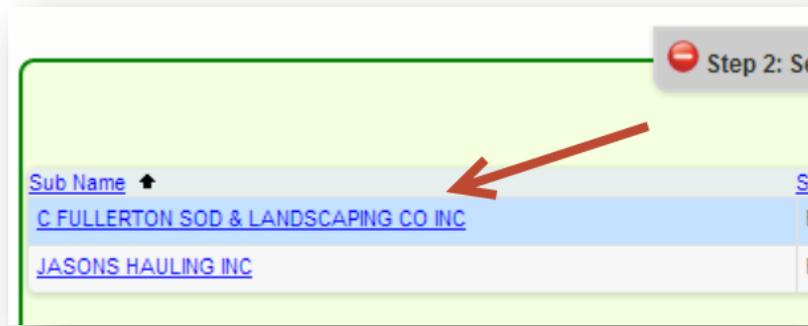
- ❖ To report a DBE Commitment, perform the steps below:
  - Click the **DBE Commitments** tab. (You can also use the DBE commitment link on the sub agreement screen to get to the DBE commitment tab).



- Enter **Contract id** in the contract id box (you can also use contract category to locate your contract). Next, click **Get Contracts** button.



- Select **Sub**



- Click the **Add New Commitment** button.

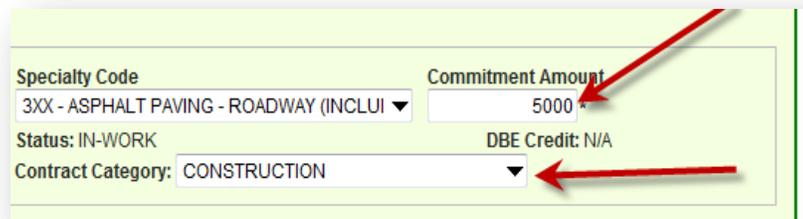


- Select the work type Sub is performing by picking **NAICS** from the NAICS dropdown and **Specialty code** from the Specialty code drop down.



**NOTE:** The **NAICS** is the work type the firm is certified to do work. If you don't know the type of work that the Sub is performing on the project, please contact your project manager as you will need it for DBE Commitments and DBE Payment reporting.

- Next, enter the **Commitment Amount (DBE Percentage)** in the Commitment box and select the contract category to choose the type of contract.



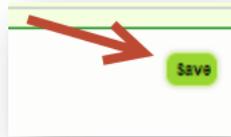
- Select the **Submit** checkbox

**Add New Commitment**

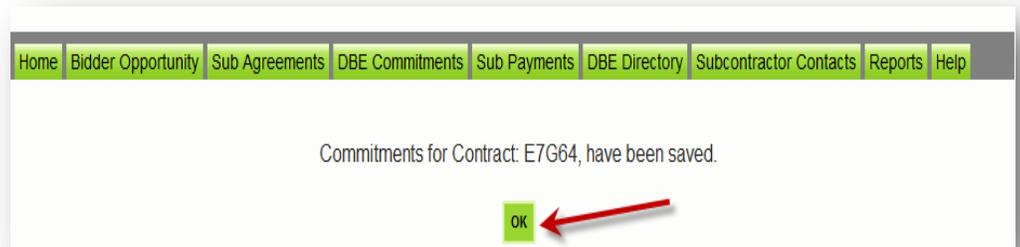
Action	NAICS	Specialty Code	Commitment Amount	Details
No Change	238990 - All Other Specialty Trade Contractor	530 - RIPRAP	\$3,000.00 *	
<input type="checkbox"/> Delete	Submit Date: N/A	Date Reported: N/A	Status: UNSUBMITTED BY PRIME VENDOR	DBE Credit: \$3,000.00
	Submit: <input type="checkbox"/>		Contract Category: CONSTRUCTION	

Required fields are marked with \*

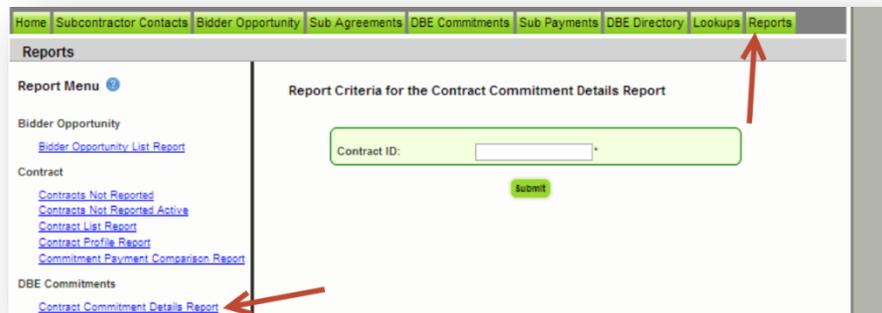
- Click **Save** button



- Click **OK** when confirmation that sub has been saved is displayed



- To view or print out the DBE Commitments you have submitted, proceed to the report section and run the **Contract Commitment details** report.



Good Job! You have just reported your DBE Commitment(s)



## 5.2 REVISE A DBE COMMITMENT

If you need to increase or decrease an existing **DBE Commitment** that has already been submitted, user will need to create a new adjustment record. Also if the DBE is no longer on the project, then user will have to create an adjustment record to zero out the DBE Commitment.



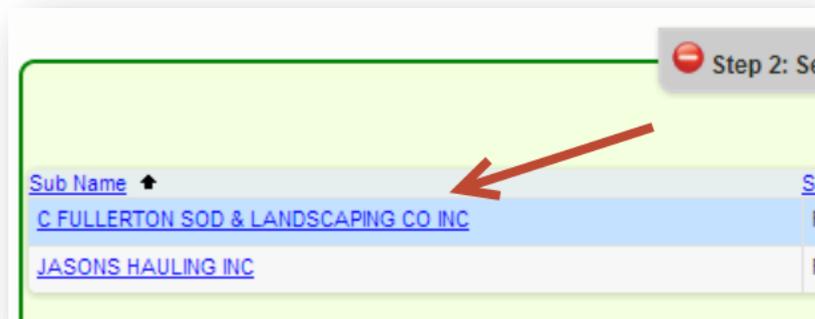
- ❖ To revise a DBE Commitment, perform the steps below:
- Click the **DBE Commitments** tab



- Enter **Contract id** in the contract id box. Next, Click **Get Contracts** button



- Select **Sub**



- Click the **Add New Commitment** button to create an adjustment DBE Commitment record

Action	NAICS	Specialty Code	Commitment Amount
No Change	484220 - Specialized Freight (except Used G)	TRK - TRUCKING FIRMS	\$80,000.00*

Submit Date: 10/1/2011 Date Reported: 10/1/2011 Status: READY TO INCLUDE INTO REPORT DBE Credit: \$80,000.00

- Select the same **NAICS** and **Specialty code** as the record being adjusted so changes are reflected correctly. Next, enter the adjusting DBE Commitment amount. (E.g. amount would be negative if you need to cancel out; if you need to decrease/increase it, enter difference.)

Action	NAICS	Specialty Code	Commitment Amount
Add	484220 - Specialized Freight (except Used G)	TRK - TRUCKING FIRMS	-80,000*

Submit Date: N/A Date Reported: N/A Status: IN-WORK DBE Credit: N/A

Action	NAICS	Specialty Code	Commitment Amount
No Change	484220 - Specialized Freight (except Used G)	TRK - TRUCKING FIRMS	\$80,000.00*

Submit Date: 10/1/2011 Date Reported: 10/1/2011 Status: READY TO INCLUDE INTO REPORT DBE Credit: \$80,000.00

- Select the **Submit** checkbox and Click **Save**

Action	NAICS	Specialty Code	Commitment Amount
Add	484220 - Specialized Freight (except Used G)	TRK - TRUCKING FIRMS	-80,000*

Submit Date: N/A Date Reported: N/A Status: IN-WORK DBE Credit: N/A

Submit:

Action	NAICS	Specialty Code	Commitment Amount
No Change	484220 - Specialized Freight (except Used G)	TRK - TRUCKING FIRMS	\$80,000.00*

Submit Date: 10/1/2011 Date Reported: 10/1/2011 Status: READY TO INCLUDE INTO REPORT DBE Credit: \$80,000.00

### 5.3 REPORT ZERO DBE UTILIZATION

If you **are not** using any DBE Subcontractors/Sub-consultants on your project, you are required to report zero DBE utilization in EOC by performing the following steps:

- Click the **DBE Commitments** tab and enter contract id in the contract box

Home Subcontractor Contacts Bidder Opportunity Sub Agreements **DBE Commitments** Sub Payments DBE Directory Lookups Reports

Contractor | DBE Commitments

Step 1: Select Contract

Contract ID: T2482 -OR- Select a Contract Category: Select Contract Category ...

Show Contracts Having Commitments: ALL

- Next, Click **Get Contracts** button

Contractor | DBE Commitments

Step 1: Select Contract

Contract ID: T2482 -OR- Select a Contract Category: Se

Show Contracts Having Commitments: AL

Get Contracts

- **Select** the contract id by clicking on it

Get Contracts

Showing item 1 of 1

Contract ID *	Description	Lead Project	Execution Date	Status	Summary
<a href="#">T2482</a>	SR 9A (I-295)	20916875201	8/7/2013	OPEN FOR REPORTING	

- Next, click the **Submit with Zero DBE Commitments** button as shown below

Step 2: Select Sub Agreement for Contract: T2482

There are NO Sub Agreements for the Selected Contract with the Selected Search Criteria

Submit with Zero DBE Commitments

MyFlorida.com

- Confirmation that sub has been saved is displayed, Click **OK**

**NOTE:** If you get DBE Subs on the Project, you can always setup your Subagreements and then report your DBE Commitment.

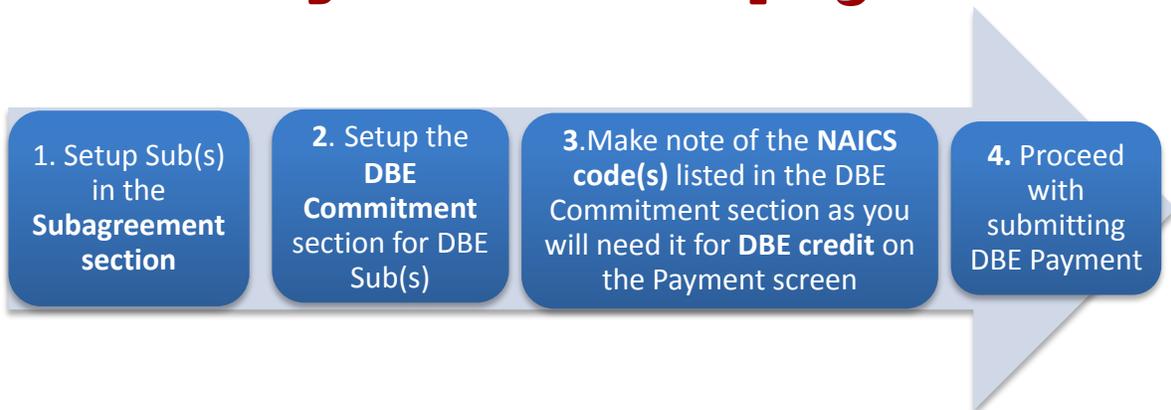
## 6.0 PAYMENTS

Once the Prime pays their Subcontractor(s)/Subconsultant(s), they need report the payment(s) accordingly in EOC. Payment reporting in EOC is for **DBE and MBE Subcontractor(s)/Subconsultant(s)**.

### 6.1 REPORT A DBE SUBPAYMENT

After performing your DBE payment housekeeping steps, you can proceed to reporting your DBE payment(s). Below is a set of instructions that will guide you on how to report your DBE Sub Payments.

## DBE Payment Housekeeping



- Select the **Sub payments** tab
- Select **Add New Sub payments**



- Enter **Contract ID** in the contract id box (you can also use Contract Category drop down to search)

- Click the **Get Contracts** Button



- Select **Contract id** by clicking on it

**Add New Sub Payments**

Step 1: Select Contract

Contract ID: E7G64 -OR- Select a Contract Category: Select Contract Category ...

**Get Contracts**

Contract ID	Description	Lead Project	Execution Date	Status	Summary
E7G64	US 19 RESURFACING	40373115201	2/24/2011	OPEN FOR REPORTING	

Showing item 1 of 1

**NOTE:** The summary icon shown below gives a summary of the contract

**Get Contracts**

Contract ID	Description	Lead Project	Execution Date	Status	Summary
T4036	SR 845 (Powerline Rd) - Broward Co Line to Glades	22961215201	8/11/2004	OPEN FOR REPORTING	

Showing item 1 of 1

- Click on the desired Sub to add payments

Step 2: Select Sub Agreement

Sub	Sub Vendor ID	Hired By	Tier	Summary
JASONS HAULING INC	F593219239	AJAX PAVING INDUSTRIES OF FLORI	01	
ROAD RUNNER HIGHWAY SIGNS INC	F650506853	AJAX PAVING INDUSTRIES OF FLORI	01	
ROMINE CONSTRUCTION LLC	F208136493	AJAX PAVING INDUSTRIES OF FLORI	01	

Showing items 1-3

- The Payment Summary screen is displayed as shown below. Enter the details in the Payment summary.

- ❖ Below is a description of the payment fields. The fields with the asterisk\* are required fields.

Fields	Description
Payment date*	Date when payment was made to sub
Work performed Begin Date*	Begin date is the service period that the Sub performed the work
Work Performed End Date*	End date is the service period that the Sub performed the work ended
Retainage	Amount withheld from Sub
Total payment	Amount paid to Sub
Payment Type	If regular payment or if it is an adjustment
Work complete Date(should be filled in when entire job is done)	Date when the entire work is complete for the Sub. When <b>final payment</b> is made, this date should be filled in.
Zero Dollar Payment	This is optional. It can be used if you don't have any payments to report for the month. Note: If you use this selection, you will need to specify the Zero Payment reason.

- Next, Click the **Add Payment Detail** button to add the **NAICS/Specialty codes** and **DBE credit amount**. Payment detail is where you claim the DBE credit on the payments. The **DBE Credit amount** is the payment amount that is being claimed for **DBE Credit**.



Make sure to use the **same NAICS and Specialty code** for both your **DBE Commitments and DBE Payments** reporting. **Tip:** Run the Contract Commitment details report to view the NAICS reported for the DBE Commitment.

- Click **Save** button when done



- A confirmation that payment has been saved will be received. Click **Ok**.



## 6.2 REPORT A NON-DBE SUBPAYMENT (MBE)

### Subcontractor

Once the Prime pays their MBE Subcontractor(s)/Subconsultant(s), they need report the subpayment(s) in EOC. Below is a set of instructions that will guide you on how to report your MBE Sub Payments.

- Select the **Sub payments** tab
- Choose **Add New Sub payments** option



- Enter **Contract ID** in the contract id box (you can also use Contract Category drop down to search)

The screenshot shows the 'Contractor | Add New Sub Payments' form. It features a 'Step 1: Select Contract' section with a 'Contract ID' input field and a 'Select a Contract Category' dropdown menu. A red arrow points to the 'Contract ID' input field. Below the form is a green 'Get Contracts' button.

- Click the **Get Contracts** button



- Click on the **Contract id**

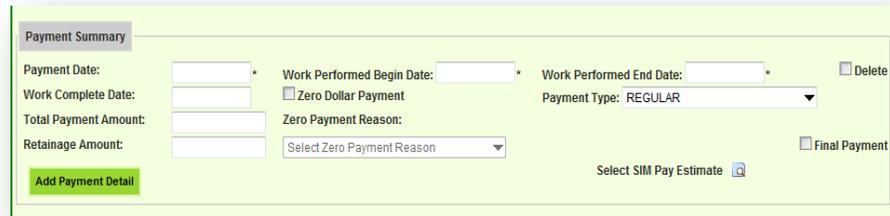
The screenshot shows the search results for the contract ID 'E7G64'. The table has columns for Contract ID, Description, Lead Project, Execution Date, Status, and Summary. A red arrow points to the 'Contract ID' link in the first row.

Contract ID	Description	Lead Project	Execution Date	Status	Summary
<a href="#">E7G64</a>	US 19 RESURFACING	40373115201	2/24/2011	OPEN FOR REPORTING	

- Select the desired **Sub**



- The Payment Summary screen will display as below. Enter the details in the Payment summary.



- ❖ Below is a description of the payment fields. The fields with the asterisk\* are required fields.

Fields	Description
<b>Payment date*</b>	Date when payment was made to sub
<b>Work performed Begin Date*</b>	Begin date is the service period that the Sub performed the work
<b>Work Performed End Date*</b>	End date is the service period that the Sub performed the work ended
<b>Retainage</b>	Amount withheld from Sub
<b>Total payment</b>	Amount paid to Sub
<b>Payment Type</b>	If regular payment or if it is an adjustment
<b>Work complete Date(should be filled in when entire job is done)</b>	Date when the entire work is complete for the Sub. When <b>final payment</b> is made, this date should be filled in.
<b>Zero Dollar Payment</b>	This is optional. It can be used if you don't have any payments to report for the month. Note: If you use this selection, you will need to specify the Zero Payment reason.

- Click **Save** button when done
- A confirmation that payment has been saved will be received. Click **Ok**.



## 6.3 REVISE AN EXISTING DBE SUBPAYMENT

**NOTE:** Once a DBE payment has been submitted, the record is locked. To revise a payment, the user needs to create an **adjustment record**. These revisions are done in the **Maintain Subpayment** option.

- Select the **Sub payments** tab
- Choose the **Maintain Sub payment**



- Enter **Contract ID** in the contract id box

The screenshot shows a form titled 'Step 1: Select Contract'. It has a 'Contract ID' field with the value 'E7G64' and a '-OR-' separator. To the right is a 'Select a Contract Category' dropdown menu with the text 'Select Contract Category...'. A green 'Get Contracts' button is located at the bottom center of the form.

- Click the **Get Contracts** button
- Select the **Contract id** by clicking on it

The screenshot shows a table with the following data:

Contract ID	Description	Lead Project	Execution Date	Status	Summary
<a href="#">E7G64</a>	US 19 RESURFACING	40373115201	2/24/2011	OPEN FOR REPORTING	

A red arrow points to the 'E7G64' link in the 'Contract ID' column. The text 'Showing item 1 of 1' is visible in the top right corner.

- Click on the **Sub**

The screenshot shows a form titled 'Step 2: Select Sub Agreement for Contract:'. It contains a table with the following data:

Sub Name	Sub Vendor ID	Hired By
<a href="#">C FULLERTON SOD &amp; LANDSCAPING CO INC</a>	F592654296	AJAX PAVING II
<a href="#">JASONS HAULING INC</a>	F593219239	AJAX PAVING II

A red arrow points to the 'C FULLERTON SOD & LANDSCAPING CO INC' link in the 'Sub Name' column.

- Select the **payment date** of the record that you would like to make revisions/adjustments

Step 3: Select Payment Summary

Payment Date	Payment Amount	Retainage	Work Complete	Final Payment	Zero Dollar Payment	Work Period S
<a href="#">2/1/2012</a>	4618.93	0.00		No	No	1/1/0001
<a href="#">2/1/2012</a>	6653.91	0.00		No	No	1/1/0001
<a href="#">2/1/2012</a>	4238.00	0.00		No	No	1/1/0001
<a href="#">2/1/2012</a>	34.80	0.00		Yes	No	1/1/0001

- The **Maintain Payment** Information screen is displayed.

Step 4: Maintain Payment Information for Payment Summary on: 12/15/2011

Contract ID: E1J05 Sub: C FULLERTON SOD & LANDSCAPING CO INC Tier: SUB TIER 1 Hired By: AJAX PAVING INDUSTRIES OF FLORI

**Payment Summary**

Payment Date: 12/15/2011 \* Work Performed Begin Date: 11/1/2011 \* Work Performed End Date: 11/30/2011 \*  
 Work Complete Date: Zero Dollar Payment:  Payment Type: REGULAR  
 Total Payment Amount: \$40,904.89 Zero Payment Reason: Select Zero Payment Reason  
 Retainage Amount:  Select SIM Pay Estimate  Final Pay

**Add Payment Detail**

**Payment Detail**

Delete  Submit NAICS: 561730 - Landscaping Services Specialty Code: 580 - LANDSCAPE INSTALLATION Credit Amount: \$40,904.89  
 Comment: CONV You have 298 characters left.

**Payment detail record**

**NOTE:** Since the DBE payment has a **payment detail**, we need to revise the payment detail portion first. You do that by creating an adjustment payment detail record.

- Click **Add Payment detail** button

**Add Payment Detail**

Select SIM Pay Estimate

**Payment Detail**

Delete  Submit NAICS: Select NAICS Specialty Code: Select Specialty DBE Credit Amount:   
 Comment:  You have 300 characters left.

- **Next**, enter the same NAICS/ Specialty code as the record being revised, and then enter a **negative** for the DBE credit amount to zero it out. As shown, the adjustment record has the same NAICS and Specialty (e.g. *NAICS 561730 & Specialty 580*) as the record being adjusted with a negative adjustment amount.

The screenshot shows the 'Add Payment Detail' form with two 'Payment Detail' sections. The top section has a DBE Credit Amount of -40904.89, and the bottom section has a DBE Credit Amount of \$40,904.89. Red arrows point to the NAICS and Specialty Code fields in both entries, with a label 'adjustment record' pointing to the top entry.

- Next, change the **Total Payment Amount** in the payment summary since the bottom portion is zeroed out

The screenshot shows the 'Step 4: Maintain Payment Information for Payment Summary' form. The 'Payment Summary' section shows a Total Payment Amount of 15,000. Red arrows point to the 'Total Payment Amount' field (labeled 'step 2') and the 'DBE Credit Amount' field in the 'Payment Detail' section (labeled 'step 1').

- Click **Save** button when done



- To print out the revisions you have submitted, you can run the **Contract Sub Payment Details** report located in the Report tab.



## 6.4 REVISE AN EXISTING NON-DBE SUBPAYMENT

To revise a payment to a Non-DBE Sub you can use the delete checkbox. The steps below will assist you on how to delete a payment:

- Select the **Sub payments** tab
- Choose the **Maintain Sub payment**



- Enter **Contract ID** in the contract id box

Step 1: Select Contract

Contract ID: E7G64 -OR- Select a Contract Category: Select Contract Category...

Get Contracts

- Click **Get Contracts** button
- Select the **Contract id** by clicking on it

Showing item 1 of 1

Contract ID	Description	Lead Project	Execution Date	Status	Summary
<a href="#">E7G64</a>	US 19 RESURFACING	40373115201	2/24/2011	OPEN FOR REPORTING	

- Click on the **Sub**

Step 2: Select Sub Agreement for Contract:

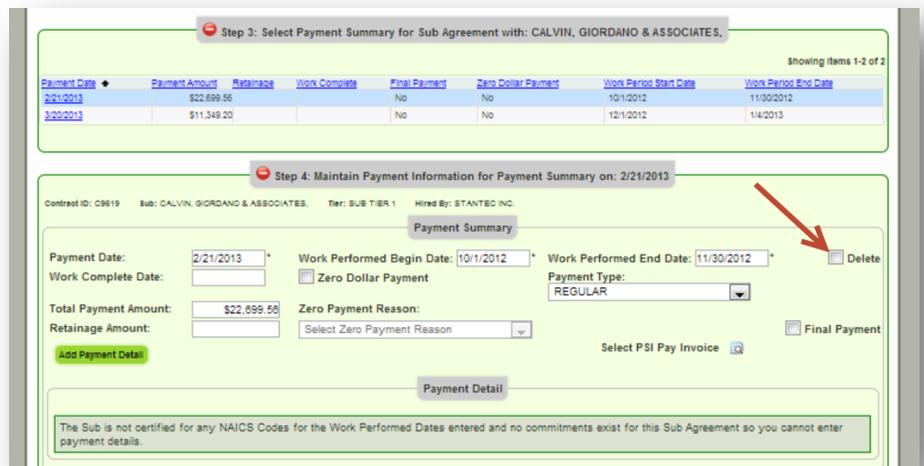
Sub Name	Sub Vendor ID	Hired By
<a href="#">C FULLERTON SOD &amp; LANDSCAPING CO INC</a>	F592654296	AJAX PAVING I
<a href="#">JASONS HAULING INC</a>	F593219239	AJAX PAVING I

- Select the **payment date** of the record that you would like to make revisions/adjustments



Payment Date	Payment Amount	Retainage	Work Complete	Final Payment	Zero Dollar Payment	Work Period Start Date	Work Period End Date
2/1/2012	4618.93	0.00		No	No	1/1/0001	
2/1/2012	6653.91	0.00		No	No	1/1/0001	
2/1/2012	4238.00	0.00		No	No	1/1/0001	
2/1/2012	34.80	0.00		Yes	No	1/1/0001	

- Click on the **Delete** checkbox as shown below in the payment summary



Step 4: Maintain Payment Information for Payment Summary on: 2/21/2013

Contract ID: C9619 Sub: CALVIN, GIORDANO & ASSOCIATES, Tier: SUB TIER 1 Hired By: STANTEC INC.

**Payment Summary**

Payment Date: 2/21/2013 \* Work Performed Begin Date: 10/1/2012 \* Work Performed End Date: 11/30/2012 \*  Delete

Work Complete Date:   Zero Dollar Payment

Total Payment Amount: \$22,699.56 Zero Payment Reason:  Payment Type: REGULAR

Retainage Amount:  Select Zero Payment Reason:   Final Payment

**Payment Detail**

The Sub is not certified for any NAICS Codes for the Work Performed Dates entered and no commitments exist for this Sub Agreement so you cannot enter payment details.

- Click **Save** button when done



## 6.5 RELEASE RETAINAGE FOR FINAL SUBPAYMENT

Retainage is the amount withheld from the Sub. Retainage is entered in the retainage field as part of a payment entry. Retainage is released when user is making a **final** payment.

Step 3: Add New Payment Information for Sub Agreement with: SOUTHEAST ATTENUATORS INC

Contract ID: E4M52 Sub: SOUTHEAST ATTENUATORS INC Tier: SUB TIER 1 Hired By: WEEKLEY ASPHALT PAVING, INC.

Add Payment Summary

Payment Summary

Payment Date: 1/1/2013 \* Work Performed Begin Date: 1/2/2013 \* Work Performed End Date: 1/9/2013 \*  C

Work Complete Date:   Zero Dollar Payment Payment Type: REGULAR

Total Payment Amount: 5000 Zero Payment Reason:

Retainage Amount: 52.00  Select Zero Payment Reason

Add Payment Detail

❖ To release your retainage, please do the following steps:

➤ Go to **Subpayments** and Select **New Payment**

Home Bidder Opportunity Sub Agreements **DBE Commitments** Sub Payments DBE Directory Subcontractor Contacts Reports Help

Step 1: Select Contract

Add New Sub Payments

Maintain Sub Payment

➤ Enter your **contract id** in the contract id box

Step 1: Select Contract

Contract ID: E7G64 -OR- Select a Contract Category: Select Contract Category ...

Get Contracts

➤ Select the **Sub**

Step 2: Select Sub Agreement for Contract:

Sub Name *	Sub Vendor ID	Hired By
<a href="#">C FULLERTON SOD &amp; LANDSCAPING CO INC</a>	F592654296	AJAX PAVING I
<a href="#">JASONS HAULING INC</a>	F593219239	AJAX PAVING I

- In the Payment Summary box, enter the retainage to date as a **negative amount** in the retainage field. Next, enter the **positive amount** of the retainage in the total payment amount as shown below:

Step 3: Add New Payment Information for Sub Agreement with: SOUTHEAST ATTENUATORS INC

Contract ID: E4M52 Sub: SOUTHEAST ATTENUATORS INC Tier: SUB TIER 1 Hired By: WEEKLEY ASPHALT PAVING, INC.

**Add Payment Summary**

**Payment Summary**

Payment Date: 01/01/2013 \* Work Performed Begin Date: 01/03/2013 \* Work Performed End Date: 01/04/2013 \*  
 Work Complete Date:   Zero Dollar Payment Payment Type: REGULAR  
 Total Payment Amount: 52  Zero Payment Reason:   
 Retainage Amount: -52  Select Zero Payment Reason

- Next, **Mark your final payment** check box and enter work complete date

Step 3: Add New Payment Information for Sub Agreement with: SOUTHEAST ATTENUATORS INC

Contract ID: E4M52 Sub: SOUTHEAST ATTENUATORS INC Tier: SUB TIER 1 Hired By: WEEKLEY ASPHALT PAVING, INC.

**Add Payment Summary**

**Payment Summary**

Payment Date: 01/01/2013 \* Work Performed Begin Date: 01/03/2013 \* Work Performed End Date: 01/04/2013 \*  Del  
 Work Complete Date: 01/10/2013  Zero Dollar Payment Payment Type: REGULAR  
 Total Payment Amount: 52 Zero Payment Reason:   
 Retainage Amount: -52 Select Zero Payment Reason   Final Payment  
 Select SIM Pay Estimate

**Add Payment Detail**

- Next, to claim DBE credit for the retainage, click on the **Add Payment Detail** button and enter DBE credit amount the same as the payment amount. Remember to select the NAICS/Specialty code work types as well.

**Add Payment Detail**  Select SIM Pay Estimate

**Payment Detail**

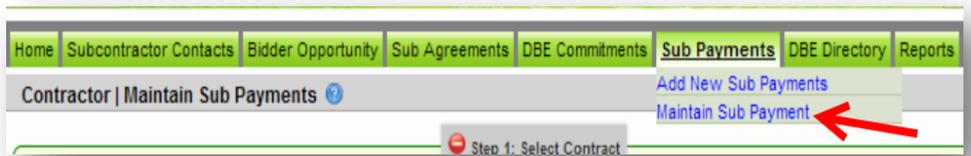
Delete  Submit NAICS: 237310 - Highway, Street, and Bridge Constr Specialty Code: 200 - ROCK BASE DBE Credit Amount: 52\*  
 Comment:  You have 300 characters left.

**NOTE:** Once a user submits a final payment for a particular Sub agreement, they will no longer be able to submit further payments. However if they need to submit additional payments, they can unmark the final payment checkbox. To do so, they can refer to the next section that outlines on how to uncheck the Final Payment box.

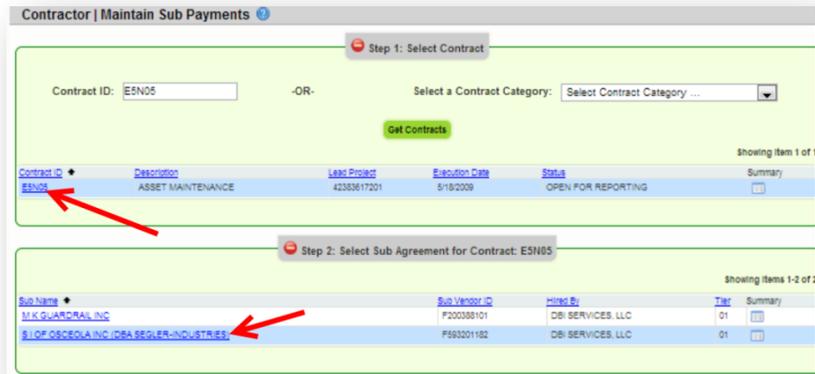
## 6.6 UNCHECK THE FINAL SUBPAYMENT BOX

The final payment checkbox should be selected when users are submitting their **final** invoice. In instances where users need to **uncheck** the final checkbox, below are the steps outlined:

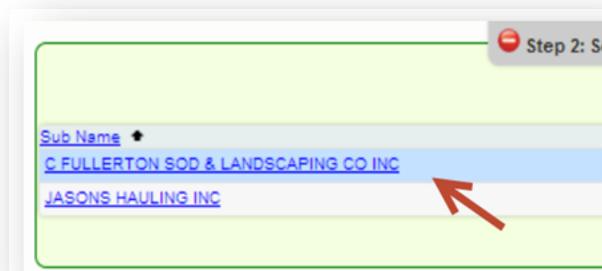
- Select the **Sub payments** tab
- Select **Maintain Sub payments**



- Enter **Contract ID** in the contract id box and click **Get Contracts** button



- Select the **Sub**



- Locate the **payment** that has **“Yes”** listed under Final payment column

Step 3: Select Payment Summary for Sub Agreement with: S I OF OSCEOLA INC (DBA SEGLER-INDUSTRIES)

Showing items 11-12 of 12

Payment Date	Payment Amount	Retainage	Work Complete	Final Payment	Zero Dollar Payment	Work Period Start Date	Work Period End Date
8/2/2012	\$6,759.15	\$0.00		No	No	7/1/2012	7/31/2012
8/2/2012	\$58,932.88	\$0.00		Yes	No	7/1/2012	7/31/2012

First Page 1 2 Last Page

- Select the **Payment date** accordingly

Step 3: Select Payment Summary for Sub Agreement with: S I OF OSCEOLA INC (DBA SEGLER-INDUSTRIES)

Showing items 11-12 of 12

Payment Date	Payment Amount	Retainage	Work Complete	Final Payment	Zero Dollar Payment	Work Period Start Date	Work Period End Date
8/2/2012	\$6,759.15	\$0.00		No	No	7/1/2012	7/31/2012
8/2/2012	\$58,932.88	\$0.00		Yes	No	7/1/2012	7/31/2012

First Page 1 2 Last Page

- Uncheck the **Final payment** box as shown below and Save

This Payment Summary cannot be edited unless Final Payment is unchecked and Payment Summary is saved.

Payment Date: 8/2/2012 \* Work Performed Begin Date: 7/1/2012 \* Work Performed End Date: 7/31/2012 \*  Delete

Work Complete Date:   Zero Dollar Payment Payment Type: REGULAR

Total Payment Amount: \$58,932.88 Zero Payment Reason:

Retainage Amount: \$0.00  Final Payment

**Uncheck**

Payment Detail

Delete NAICS 237310 - Highway, Street, and Bridge Con Specialty Code 430 - PIPE CULVERTS DEE Credit Amount \$58,932.88

Submit Comment: (CONV) You have 296 characters left.

- Click **Save** button when done



## 7.0 CALCULATION OF 60% in EOC FOR DBE SUBS

This is applicable to material supplier codes. For work types/NAICs codes that are material supplier (**specialty code 220**), the prime will get DBE credit of 60%. In the **DBE Commitment** screen, the system will calculate the 60% based on what the user inputs for the DBE Commitment amount. However, on the **Payment side**, the system does not calculate the 60%. Therefore, the user will have to manually put in the 60% in the payment detail for the DBE credit.

## 7.1 REPORT 60% CODE DBE COMMITMENT

To enter a material supplier DBE Commitment, perform the steps below:

- Click on the **DBE Commitments** tab and enter contract id in the contract box

The screenshot shows the 'DBE Commitments' screen. At the top, there is a navigation bar with tabs: Home, Bidder Opportunity, Sub Agreements, **DBE Commitments**, Sub Payments, DBE Directory, Subcontractor Contacts, and Reports. Below the navigation bar, the page title is 'Contractor | Add DBE Commitments'. The main content area is divided into two steps. Step 1 is 'Step 1: Select Contract'. It contains a 'Contract ID' field with the value 'BOT74', an '-OR-' separator, and a 'Select a Contract Category' dropdown menu. Below these fields is a 'Show Contracts Having Commitments' dropdown menu set to 'ALL' and a green 'Get Contracts' button. A table below shows one contract entry: 'CENTRAL FLORIDA- Station finishes' with a lead project of '41299435201', execution date of '2/24/2012', and status of 'OPEN FOR REPORTING'. Step 2 is 'Step 2: Select Sub Agreement for Contract: BOT74'. It shows a table with one sub agreement entry: 'ROAD RUNNER HIGHWAY SIGNS INC' with a sub vendor ID of 'F591911960' and hired by 'ARCHER WESTERN CONTRACTORS LLC'. A red arrow points to the 'DBE Commitments' tab in the navigation bar.

- Select **Get Contracts** button
- Click the **Add New Commitment** button

The screenshot shows the 'Step 3: Maintain Commitment Details for Sub Agreement with: ROAD RUNNER HIGHWAY SIGNS INC' screen. It features a green 'Add New Commitment' button. A red arrow points to this button.

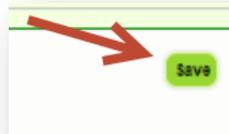
- Select the **NAICs** from the NAICs dropdown and **Specialty code** from the Specialty code drop down. Next, enter **DBE commitment** amount.

The screenshot shows the 'Add New Commitment' form. It has several fields: 'Action' (Add), 'NAICS' (423610 - Electrical Apparatus and Equipment), 'Specialty Code' (220 - MATERIAL SUPPLIER - WHOLESALE), and 'Commitment Amount' (5000). There are also fields for 'Delete', 'Submit Date: N/A', 'Date Reported: N/A', 'Status: IN-WORK', and 'DBE Credit: N/A'. A 'Contract Category' dropdown is set to 'CONSTRUCTION'. A red arrow points to the 'Specialty Code' dropdown.

**NOTE:** The EOC system **will** calculate the 60% based off the DBE Commitment amount you put in. For instance, the System calculated the 60% based off the **\$5,000** and now DBE credit is **\$3,000**.

Sub: POWERLOGICS INC - F593113412				Tier - 01		
423810 - Electrical Apparatus and Equipment, Wiring Supplies, and Related Equipment Merchant Wholesalers	220 - MATERIAL SUPPLIER - WHOLESALE	1/8/2014	\$5,000.00	\$3,000.00	0.14%	SUBMITTED
<b>Sub Total</b>			<b>\$5,000.00</b>	<b>\$3,000.00</b>	<b>0.14%</b>	

➤ Click **Save** button when done



## 7.2 REPORT 60% CODE DBE SUBPAYMENT

On the payment side, if the user has a material supplier code, the system **does not** calculate the **60%**. Therefore, the user will have to manually put in the **60% in the payment detail** for **DBE credit**.

To obtain the 60% for DBE credit on the payment side, please perform the following steps:

- Select the **Sub payments** tab
- Select the **Add New Sub payments**



- Enter **Contract ID** in the contract id box

The screenshot shows a form titled 'Step 1: Select Contract'. It contains a 'Contract ID' input field with the value 'E7G64', an '-OR-' separator, and a 'Select a Contract Category' dropdown menu with the text 'Select Contract Category ...'. Below these fields is a green 'Get Contracts' button.

- Select **Get Contracts** button



- **Select** the contract id by clicking on it

The screenshot shows the 'Add New Sub Payments' page with the 'Step 1: Select Contract' form at the top. Below the form is a table with one row of results. A red arrow points to the 'Contract ID' link in the first column of the table.

Contract ID	Description	Lead Project	Execution Date	Status	Summary
<a href="#">E7G64</a>	US 19 RESURFACING	40373115201	2/24/2011	OPEN FOR REPORTING	

Showing item 1 of 1

- Click on the **Sub**

Step 2: Select Sub Agreement

Sub	Sub Vendor ID	Hired By	Tier	Summary
<a href="#">JASONS HAULING INC</a>	F593219239	AJAX PAVING INDUSTRIES OF FLORI	01	
<a href="#">ROAD RUNNER HIGHWAY SIGNS INC</a>	F650506853	AJAX PAVING INDUSTRIES OF FLORI	01	
<a href="#">ROMINE CONSTRUCTION LLC</a>	F208136493	AJAX PAVING INDUSTRIES OF FLORI	01	

Showing items 1-3

- Enter **Payment amount** in the Total payment amount field. Next, select **Add Payment detail** button and then enter the **actual 60% amount** in the DBE credit amount as shown in the diagram below.

Step 3: Add New Payment Information for Sub Agreement with: POWERLOGICS IINC

Contract ID: E1J06 Sub: POWERLOGICS INC Tier: SUB TIER 1 Hired By: AJAX PAVING INDUSTRIES OF FLORI

**Add Payment Summary**

Payment Date: 01/08/2014 \* Work Perform... 013 \* Work Performed End Date: 12/05/2013  
 Total Payment Amount: 4000 Zero Dollar... Payment Type: REGULAR  
 Retainage Amount: Select Zero Payment Reason

**Add Payment Detail** Select SIM Pay Estimate

**Payment Detail**

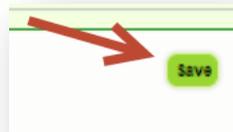
Delete NAICS 423610 - Electrical Apparatus and Equipment Specialty Code 220 - MATERIAL SUPPLIER - WHOLESALE DBE Credit Amount 2400\*  
 Submit Comment: You have 300 characters left.

Save Reset

*Annotations:*  
 - Red arrow points to 'Total Payment Amount' field with text: "user puts in the actual payment amount"  
 - Red arrow points to 'Add Payment Detail' button  
 - Red arrow points to 'DBE Credit Amount' field with text: "user needs to manually put in the 60% in the DBE credit"

**NOTE:** For DBE Credit on the Payment side, user has to manually put in the 60% amount in the payment detail section as the system does not automatically calculate it.

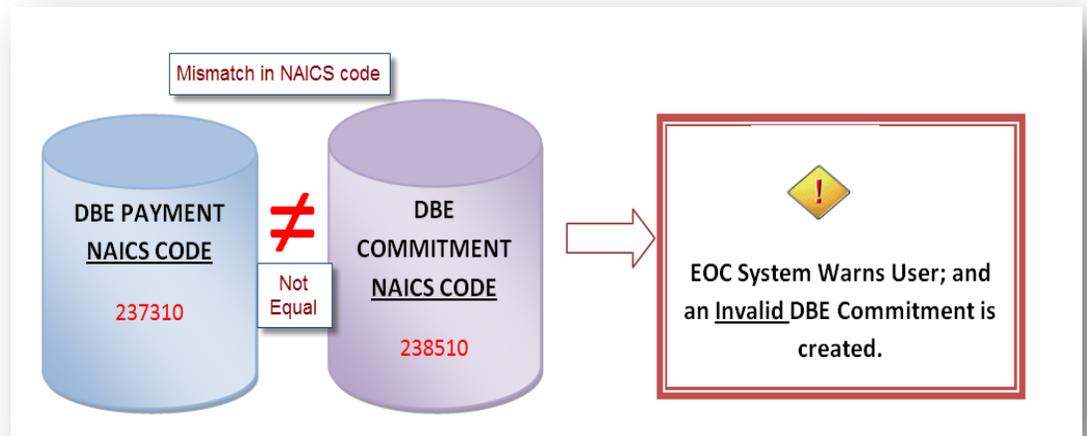
- Click **Save** button when done



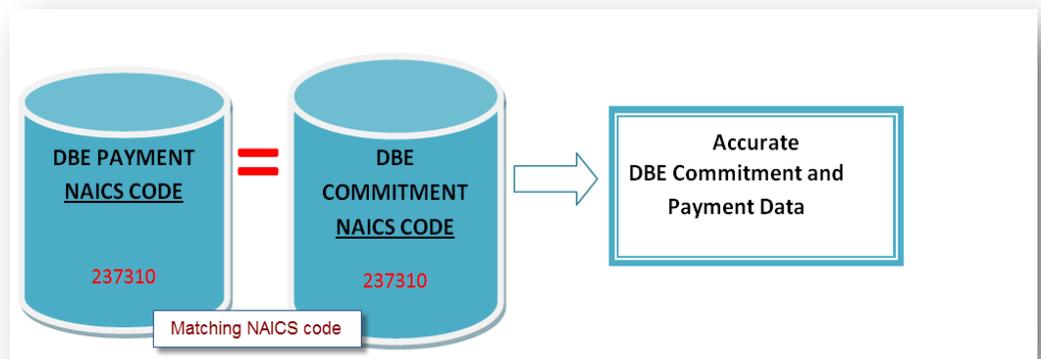
## 8.0 CONCEPT OF PAY ADJUSTMENTS IN EOC

Pay adjustments are created in the DBE Commitment section when a payment is made to a DBE Sub; therefore this is applicable to DBE Subs only. There are three ways in which payment adjustments are created in the **DBE Commitment** section in EOC:

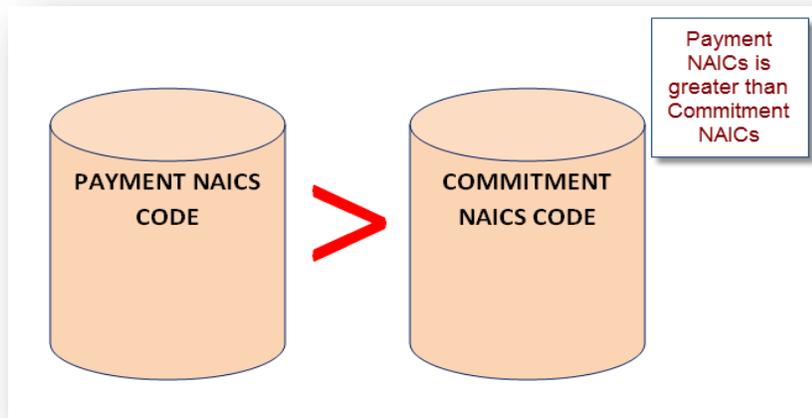
- 1) If there is a **mismatch of the NAICS code** between a **DBE Payment** and **DBE Commitment** record. If user reports a DBE Payment with the NAICS code that **does not match** what is in the DBE Commitments section, the system will warn the user and create an **invalid** DBE Commitment through a pay adjustment. So please be attentive when you get a warning message.



User needs to use the same NAICS CODES for DBE Commitment(s) and DBE Payment(s).



- 2) The second way a pay adjustment is created is when user reports a **DBE Payment** that is greater than the **DBE Commitment** amount for a **particular NAICS code**. User will get a warning message when this occurs.



→ User needs to Increase the **DBE Commitment** amount to cover the **DBE Payment**.

INCREASE DBE  
Commitment Amount  
for the NAICS code



Then submit DBE  
Payment for the  
NAICS code

- 3) The third way a pay adjustment is created is when user submits a **DBE Payment first** without initially submitting a **DBE Commitment** for a **particular NAICS code**. User will get a warning message when this occurs.



User needs to first create a **DBE Commitment** and then report the **DBE Payment** using same **NAICS code**.



## **9.0 LOCAL AGENCY CONTRACTS**

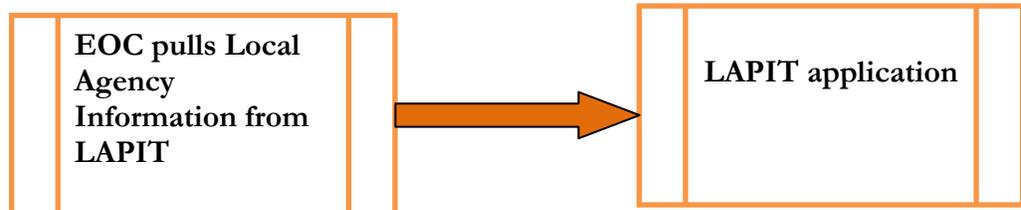
EOC runs a batch program to pull **Local agency contracts** from an application called **LAPIT**. Certain key information needs to be present in LAPIT for it to appear in EOC. The **local agency** is responsible for inputting the key information into **LAPIT**.

This information is:

- + **Local Agency Contract Number**
- + **Prime Name and Federal Tax id Information**
- + **Local Agency Contract Execution date**
- + **Contract Amount**

**NOTE:** If any of this information is missing in LAPIT, the Local agency agreement will not be available in EOC.

Once this information is entered in LAPIT, then the lap agreement will appear in EOC for the **Prime Contractor/Consultant** to submit their DBE reporting.



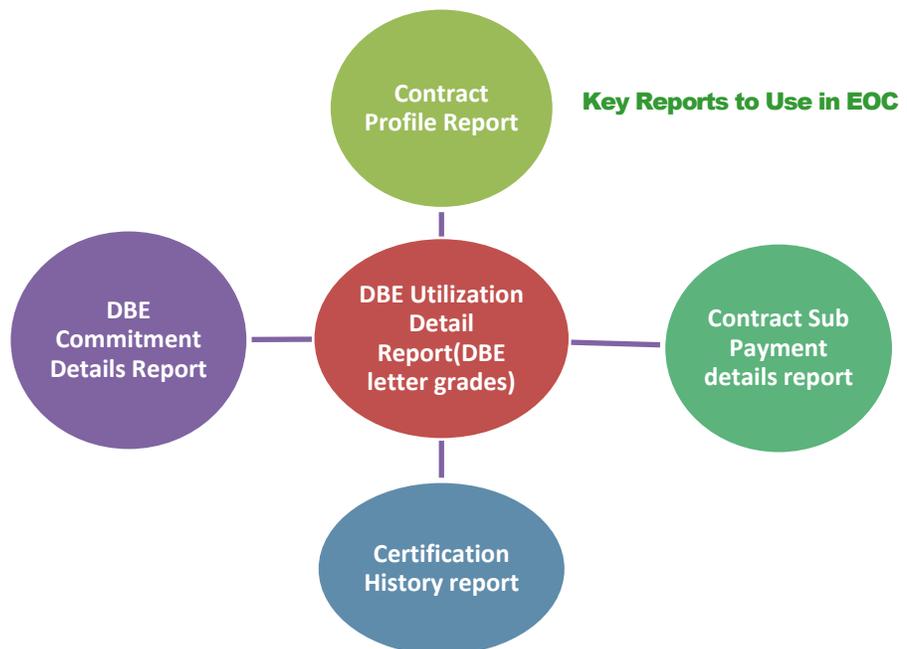
## 10 REPORTS

Users can run different reports in EOC by selecting the Reports tab. Reports display EOC data that has been submitted by the user.



### 10.1 KEY REPORTS

Below is a listing of reports that are helpful to the EOC user. These reports will assist user to track their DBE Commitment percentage, DBE payments, DBE grades and overall contract data.



❖ Below are the steps outlined on how to run the different EOC reports:

**1) Contract Profile Report:** This report allows you to view contract details for a specific contract. It gives detailed information such as general contract information, contract amounts, DBE commitments and DBE sub payments.

The screenshot shows the 'Reports' section with a 'Report Menu' on the left. Under the 'Contract' category, the 'Contract Profile Report' link is highlighted with a red arrow. To the right, the 'Report Criteria for the Contract Profile Report' form is shown, featuring a 'Contract ID' input field and a 'Submit' button, both also highlighted with red arrows.

To run the report, complete the following steps:

- Enter Contract ID
- Click Submit

The screenshot shows a 'Report Output' window with a table of contents for a contract. A red arrow points to the table.

Table of Contents for Contract [REDACTED]	
1. Contract Details	1
2. Contract Primes	2
3. Contract Amounts	3
4. DBE Commitments	4
5. Subpayments	5

**2) Contract Commitment Details Report:** The user can view DBE Commitment details such as work type & DBE percentage for a specific contract. This is similar to the DBE Anticipated statement.

The screenshot shows the 'Reports' section with a 'Report Menu' on the left. Under the 'DBE Commitments' category, the 'Contract Commitment Details Report' link is highlighted with a red arrow. To the right, the 'Report Criteria for the Contract Commitment Details Report' form is shown, featuring a 'Contract ID' input field and a 'Submit' button, both also highlighted with red arrows.

To run the report, complete the following steps:

- Enter contract ID
- Click Submit

The screenshot shows a 'Report Output' window with a table of contract commitment details. A red arrow points to the table.

NAICS Description	Specialty Code	Date Submitted	Commitment Amount	DBE Credit Amount	% Of Contract	Date Reported	Current Status
<b>Sub: [REDACTED] Tier - 01</b>							
297310 - Highway, Street, and Bridge Construction	59 - ASPHALT RUBBER BINDER	12/15/2012	\$2,000.00	\$2,000.00	0.23%		ACCEPTED
238990 - All Other Specialty Trade Contractors	705 - OBJECT MARKERS AND DELINEATORS	3/1/2012	\$52,722.75	\$52,722.75	6.17%	3/1/2012	READY
<b>Sub Total</b>			<b>\$54,722.75</b>	<b>\$54,722.75</b>	<b>6.41%</b>		
<b>Contract Total</b>			<b>\$54,722.75</b>	<b>\$54,722.75</b>	<b>6.41%</b>		

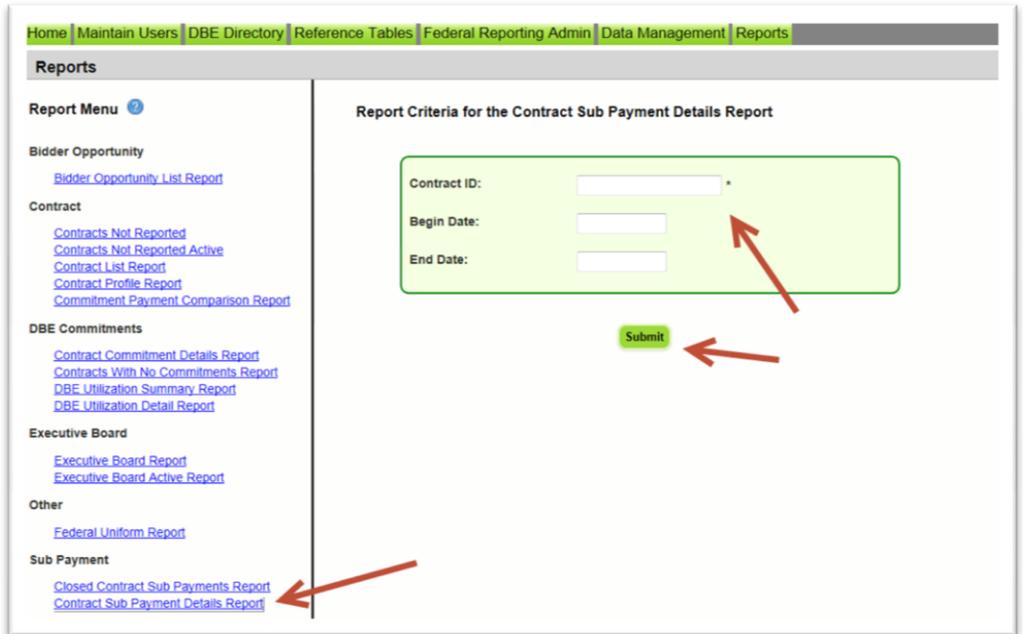
**3) DBE Utilization Detail Report:** This report provides the user a snap shot of their DBE utilization letter grades. This DBE Utilization report is based off the **DBE Commitments** that are reported in EOC. This is why we strongly encourage our EOC users to submit DBE commitments for their Subs as this will have an impact on their DBE letter grades.

To run the report, complete the following steps:

- Select Contract Category
- Fill in Report Begin Date and End Date
- Fill in Fund type
- Click Submit button

IAICS	Specialty Area	Report Output	DBE Credit	DBE %	Reporte
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	Contract Dollars: \$504,665.81	[REDACTED]	\$25,361.00	5.00%	[REDACTED]
252717557 - HIGHWAY STRIPING INC	Tier: 01	[REDACTED]	[REDACTED]	5.00%	[REDACTED]
37310 - Highway, Street, and Bridge Construction	OTHR - Other Specialty Code	[REDACTED]	\$25,361.00	[REDACTED]	11/19/20
[REDACTED]	Contract Dollars: \$0.00	[REDACTED]	\$3,609.30	> 100%	[REDACTED]
201154043 - QUALITY CONSTRUCTION PERFORMANCE INC	Tier: 01	[REDACTED]	[REDACTED]	> 100%	[REDACTED]

**4) Contract Sub Payment Details Report:** User can view payments, the NAICs and Specialty area, total payment amounts, and date reported information.



To run the report, complete the following steps:

- Enter Contract ID
- Enter begin & end dates (optional). You can leave the dates blank
- Click Submit

NAICS Description	Specialty Area	Credit Amount	Date Submitted	Date Reported	Current Status
Tier: 01    Hired By: [REDACTED]					
<b>Report Output</b>					
DBE Credit: \$28,938.96					
Payment Date: 10/22/2012	Service From: 09/17/2012	Service To: 10/21/2012	Work Complete:	Final Payment: N	
Total Payment Amount: \$10,730.00	Retainage Amount: \$0.00	Zero Payment Reason:			
238990-All Other Specialty Trade Contractors	710-PAINTED PAVEMENT MARKINGS	\$0.00	11/05/2012	11/05/2012	SUBMITTED
Payment Date: 09/20/2012	Service From: 07/16/2012	Service To: 08/19/2012	Work Complete:	Final Payment: N	
Total Payment Amount: \$2,935.28	Retainage Amount: \$0.00	Zero Payment Reason:			
237310-Highway, Street, and Bridge Construction	700-HIGHWAY SIGNING	\$2,935.28	10/22/2012	10/22/2012	READY
Payment Date: 08/29/2012	Service From: 07/01/2012	Service To: 07/31/2012	Work Complete:	Final Payment: N	
Total Payment Amount: \$10,827.42	Retainage Amount: \$0.00	Zero Payment Reason:			
238990-All Other Specialty Trade Contractors	710-PAINTED PAVEMENT MARKINGS	\$10,827.42	08/29/2012	08/29/2012	READY
Payment Date: 07/19/2012	Service From: 06/01/2012	Service To: 06/30/2012	Work Complete:	Final Payment: N	
Total Payment Amount: \$5,465.35	Retainage Amount: \$0.00	Zero Payment Reason:			
238990-All Other Specialty Trade Contractors	710-PAINTED PAVEMENT MARKINGS	\$5,465.35	07/19/2012	07/19/2012	READY
Payment Date: 04/05/2012	Service From: 02/01/2012	Service To: 02/29/2012	Work Complete:	Final Payment: N	
Total Payment Amount: \$9,710.91	Retainage Amount: \$0.00	Zero Payment Reason:			
238990-All Other Specialty Trade Contractors	710-PAINTED PAVEMENT MARKINGS	\$9,710.91	04/05/2012	04/05/2012	READY

**5) Certification History Report:** User can view certification information for a specific firm to view the NAICS that the sub is certified in and when their certification was removed.

The screenshot shows a web interface with a left sidebar titled 'Reports' and a main content area. The sidebar has several sections: 'Bidder Opportunity', 'Contract', 'DBE Commitments', 'Executive Board', 'Other', 'Sub Payment', and 'Vendor'. The 'Vendor' section contains a link for 'Certification History Report'. The main content area is titled 'Report Criteria for the Certification History Report' and contains a form with two input fields: 'Vendor ID:' and 'Vendor Name:'. A '- OR -' separator is between the fields. A 'Search Vendors' button is next to the 'Vendor ID' field, and a 'Submit' button is below the 'Vendor Name' field. Red arrows point from the 'Certification History Report' link in the sidebar to the 'Vendor ID' field and the 'Submit' button in the form.

To run the report, complete the following steps:

- Enter Vendor ID(e.g.F000000000) or Vendor Name
- Click Submit

NAICS	Certification Status	Certification Begin Date	Certification End Date
<b>Report Output</b>			
Vendor Overall Certification Status: CERT Begin Date: 01/26/2005 End Date: 01/03/2011			
238990	CERT	01/26/2005	01/03/2011
Vendor Overall Certification Status: REMOVED Begin Date: 01/04/2011 End Date: 05/02/2011			
238990	REMOVED	01/04/2011	05/02/2011
Vendor Overall Certification Status: CERT Begin Date: 05/03/2011 End Date: .			
238990	CERT	05/03/2011	

**6) Bidder Opportunity List Report:** User can view what they have submitted for their bidders list. The report shows information such as subs listed on the bidders list and their specialty area.

Reports

Report Menu

Bidder Opportunity

[Bidder Opportunity List Report](#)

Contract

[Contracts Not Reported](#)

[Contracts Not Reported Active](#)

[Contract List Report](#)

Report Criteria for the Bidder Opportunity List Report

Proposal ID / LAP Agreement ID:

Submit

To run the report, complete the following steps:

- Select Contract Category and Proposal ID
- Click Submit

Bidder Opportunity List Report

Report Output

Prime Vendor: [REDACTED]

Proposal ID: [REDACTED] Bidder Opportunity List Not Submitted

Sub Vendor ID	Sub Vendor Name	Specialty Area
[REDACTED]	JENKINS PAINTING INC	
		515 - PIPE HANDRAIL FURNISHING, ERRECTING, AND PAINTING
		56X - BRIDGE PAINTING (INCLUDES 561, 562)

## 10.2 Other Useful Reports

❖ Other useful reports listed in the reports tab include:

**1) Commitment Payment Comparison Report:** User can compare Payments & DBE Commitments that have been submitted in EOC for a specific contract. It compares the two and lists the difference.

Report Output

Total DBE Commitment Credit	Total DBE Payment Credit Amount
\$52,722.75	\$15,580.45

**SUB AGREEMENT TOTALS**

Sub	TIER	Hired By	DBE Commitment Credit Amount	DBE Payment Credit Amount	Difference
HIGH TECH STRIPING INC	01	[REDACTED]	\$52,722.75	\$15,580.45	\$37,142.30

**NAICS TOTALS**

NAICS	DBE Commitment Credit	DBE Payment Credit	Difference
Sub: [REDACTED] HIGH TECH STRIPING INC Tier: 01 Hired By: [REDACTED]			
237310-Highway, Street, and Bridge Construction	\$0.00		\$0.00
238990-All Other Specialty Trade Contractors	\$52,722.75	\$15,580.45	\$37,142.30

To run the report, complete the following steps:

- Enter Contract ID
- Click Submit

**2) Contracts Not Reported:** User can view the firm's contracts that have not been reported to the Executive board and federal highway. The Report displays information such as contract ID, prime, financial project #, Fed%, contract amounts and date information.

Contract	Prime	Primary Project	Fed %	LTD Reported Contract Amount	Contract Amount Not Yet Reported	DBE Credit Not Yet Reported	Execution Date	Completed Date
		428714-1-72-01		\$0.00	\$38,200.00	\$0.00	06/03/2010	06/30/2010
		421656-1-52-01	100.00%	\$2,219,385.97	-\$48,682.05	\$477,113.50	12/08/2010	04/25/2012
		227921-2-52-01	100.00%	\$1,666,445.18	\$82,847.34	\$4,702.21	05/24/2011	10/12/2012

[Report Output](#)

To run the report, complete the following steps:

- Select District
- Select the Funding Type(specifies whether it a federal or state project)
- Click Submit

**3) Contract List Report:** User can view their list of contracts that have executed or been released or granted notice to proceed or even completed.

Contract Category: 'CONST'									
District : ALL									
Contract	Prime ID	Prime Name	Primary Project	Awarded Amount	Execution Date	NTP Date	Date Completed	Fed %	
		Inc.	427651-1-52-01	\$3,091,087.65	10/12/2012	11/13/2012		100.00%	

[Report Output](#)

To run the report, complete the following steps:

- Select the Contract Category
- Select Contract Status
- Select Funding Type
- Select Date to use selection
- Select Dates
- Click Submit

**4) Contracts with No Commitments Report:** Enables user to view the contracts that do not have any DBE participation.

Contract	DBE Participation	Execution Date	FED %	Status	Reason	Contract Amount	Contingency Amount	FHWA Report Date	Category
Prime Vendor: A-1 FLORIDA SOD, INC. - F268297774									
E1M27	DBE Participation not yet determined	03/12/2013		Ready		\$65,000.00	\$0.00	11/27/2013	MAINT
Prime Vendor: AIM ENGINEERING & SURVEYING - F668197775									
C6208	DBE Participation not yet determined	10/23/2013		Do Not Report	POSTPONE	\$1,500,000.00	\$0.00		CNSLT
		10/23/2013		Do Not Report	POSTPONE	-\$1,468,428.00	\$0.00		CNSLT
		10/23/2013		Do Not Report	POSTPONE	\$73,920.00	\$0.00		CNSLT

To run the report:

- Select the Contract Category, District, funding type
- Click **Submit**

**5) DBE Utilization Summary Report:** Enables user to view the DBE utilization summary, it lists the contract amount, DBE credit, DBE% and completion date for the firms contracts.

Amount	DBE Credit	DBE %	Completion Date
\$504,665.81	\$25,361.00	5.03%	
\$0.00	\$3,609.90	> 100%	
\$0.00	\$34,945.32	> 100%	1/3/2012
\$1,615,801.96	\$130,750.50	8.09%	
<b>\$2,120,467.79</b>	<b>\$194,666.72</b>	<b>9.18%</b>	

To run the report, complete the following steps:

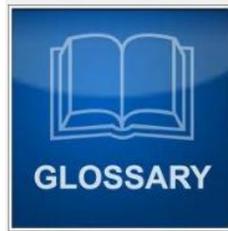
- Select Contract Category
- Fill in Report Begin Date and End Date
- Fill in Fund type
- Click Submit button

**6) Closed Contract Sub Payments Report:** User can view contracts that have been closed for a specific time period. It outlines information such as contract ID, district, execution date, contract amount and federal %, DBE credit amounts.

Contract ID	District	Contract Category	Execution Date	Federal %	Contract Award Amount	Current Contract Amount	Current Federal Contract Amount	Current State Contract Amount	Dbe Credit Amount	Federal DBE Credit Amount	State DBE Credit Amount
	01	CONST	02/26/2010	0.00%	\$929,836.00	\$887,344.78	\$0.00	\$887,344.78	\$0.00	\$0.00	\$0.00

To run the report, complete the following steps:

- Fill in Begin and End release dates
- Click Submit button



TERM	DEFINATION
EOC	<b>Equal Opportunity Compliance</b> is a web based system used to manage DBE/MBE reporting and ensure contract compliance.
Bidders Opportunity List	A list that contains bidders information for <b>ALL</b> Subcontractors or Subconsultants who quoted the Prime on DOT projects for letting. It includes both <b>DBEs</b> and <b>non-DBEs</b> . This is now submitted in the EOC system.
Sub Agreement	This is a listing of your Subcontractors or Subconsultants. In EOC, this is where the Prime will initially <u>setup</u> up both <b>DBEs and non-DBEs (MBEs)</b> before reporting DBE Commitments, DBE/MBE Subpayments.
DBE Commitment	This is a Subcontract (Sublet) between the <b>Prime</b> and <b>DBE Subcontractor/Subconsultant</b> . This is where the Prime will list the percentage (DBE dollars) of work performed by the DBE Sub. It is also referred to as the <b>Anticipated DBE Participation</b> . This portion is only applicable to DBE Subs. <b>Note: The Primes DBE Letter grades are based off the <u>DBE Commitment reported in EOC.</u></b>
Sub Payment	A payment made to the Sub by the Prime.
Tier	This is the level in which Sub is hired.
Subcontractor Contacts	This is like a black book or address book that stores subcontractors or sub-consultants that are used most often.
NAICs code	The <b>North American Industry Classification</b> or NAICS is a six digit code used by business and government to classify business establishments according to type of economic activity.
Retainage	Amount withheld from Subcontractor/Subconsultant.
DBE Directory	A searchable listing of all certified Disadvantaged Business Enterprise (DBE) and Airport Concession Disadvantaged Business Enterprise (ACDBE) firms eligible to perform work under the federal DBE Program.
DBE	A Disadvantaged Business Enterprise (DBE) is a for-profit, independent small business concern that is: ~At least 51% owned by one or more individuals who are both socially and economically disadvantaged; and ~Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

# FAQs

Q: How do I request access to the EOC system as a new user?

**Answer:** Prime Contractor/Consultant users need to fill out the EOC access form located at-> <http://webapp02.dot.state.fl.us/AutomatedAccessRequest/>

Q: I have forgotten my EOC password or my password has been revoked?

**Answer:** You will need to contact the FDOTservice desk and ask them to reset your mainframe password. The FDOTservice desk can be reached at-> [fdot.servicedesk@dot.state.fl.us](mailto:fdot.servicedesk@dot.state.fl.us) or call 866-955-4357.

Q: After how many days does the password expire?

**Answer:** EOC passwords expire every 65 days.

Q: Do I have to report payments for all my Subcontractors/Subconsultants in the EOC system?

**Answer:** Users are required to report payments to DBE and MBE Subs. It's optional to the Contractor to report payments to Subs that are neither MBE nor DBE.

Q: I submitted my payment or commitment to FDOT but I need to make revisions?

**Answer:** You can create an adjustment record to increase your existing DBE commitment/Payment. (Reference the manual on how to make adjustments).

Q: I need assistance with using the EOC system?

**Answer:** Contact the EOC helpdesk at-> [EOOhelp@dot.state.fl.us](mailto:EOOhelp@dot.state.fl.us).

Q: When do I setup my DBE Commitment or DBE Percentage for my DBE Subs?

**Answer:** After the Prime has been awarded a contract, they are required to setup their DBE Commitment/DBE Percentage for their DBE Subs in EOC.

Q: I don't have any DBE Subs on my Project, what do I need to do in EOC?

**Answer:** You will need to report Zero DBE Utilization in EOC under the DBE Commitments tab. (Reference the manual on how to submit Zero DBE utilization).

Q: My local agency contract(s) is missing in EOC?

**Answer:** That is because key Information is missing from the source system called LAPIT. The key information such as :

1) Local agency contract#, 2) Prime name/Federal tax id #, 3) Local agency contract execution date  
4) Contract amount. This information needs to be entered in LAPIT by the local agency. Once this information is present LAPIT, EOC will upload the contract successfully.

Q: I don't know what work type (NAICS/Specialty code) that my DBE Sub is performing on the project?

**Answer:** Contact your Project manager for the work type the Sub is performing.





## Link to the EOC System

<https://www3.dot.state.fl.us/EqualOpportunityCompliance/Account.aspx/LogIn?ReturnUrl=%2fEqualOpportunityCompliance%2f>

## EOC Computer Based Training

<http://wbt.dot.state.fl.us/ois/EOComplianceCBT/index.htm>

## EOC Quick Reference Guide

<http://www.dot.state.fl.us/equalopportunityoffice/EOC%20RCS%20User%20Manual/Contractor%20Quick%20reference.pdf>

## EOC Help desk

[EOOHelp@dot.state.fl.us](mailto:EOOHelp@dot.state.fl.us)

### EOC SYSTEM HOURS OF OPERATION

All times are Eastern Time (GMT -05:00)

**Monday- Friday 6am - 9pm**

**Saturday 6am - 7pm**

**Sunday: Not Available**