

# DBE PERFORMANCE - COMMERCIALLY USEFUL FUNCTION CERTIFICATION - TRUCKING

North Dakota Department of Transportation, Civil Rights  
SFN 62610 (3-2025)

Per 49 CFR 26.55, "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... A DBE does not perform a CUF if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of DBE participation..." This form is for the purposes of reviewing DBE's for compliance with the CUF requirements for credit.

A minimum of one CUF review must be performed for each DBE on each project with or without a DBE goal. The review should be conducted when the **DBE first begins work**, and compliance should be monitored throughout the course of the project.

**This form is to be filled out by NDDOT personnel or consulting engineers. DBE's must not fill out any portion of the form. All sections must be answered.**

This form is to be uploaded via CARS when completed. Civil Rights is notified when the form is uploaded and will review the form for completeness. If any edits are required, the individual that filled out the form will be contacted with the required revisions and instructed to re-upload it. Once forms are considered approved, Civil Rights will sign and re-upload, which is the final step in the process.

PCN	Project Number(s)		
DBE Firm			
Date Contract/Subcontract Signed	DBE Start Work Date	DBE End Work Date	Date of Review
Describe the type of work the DBE performed			

## 1. Management

a. Is there a legal contract executed by the DBE to perform a distinct element of work? <input type="checkbox"/> Yes <input type="checkbox"/> No
b. Has a copy of the subcontract and SFN 5682 Contactor's Request to Sublet been completed and uploaded to the project files? <input type="checkbox"/> Yes <input type="checkbox"/> No
c. Name of the on-site representative working for DBE firm
d. If DBE firm owner is not on-site at the time of CUF, who does on-site representative report to?
e. Has the on-site representative been identified as an employee of the DBE? <input type="checkbox"/> Yes <input type="checkbox"/> No
f. Was the DBE invited to the pre-job conference? <input type="checkbox"/> Yes <input type="checkbox"/> No
g. Did the DBE attend the pre-job conference? <input type="checkbox"/> Yes <input type="checkbox"/> No
If no, why?
h. Was the DBE provided a copy of the project schedule and/or given appropriate communication from the Prime/1 <sup>st</sup> tier subcontract as to when they were to be on the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No
If no, why?

i. Has the DBE owner been present on the job-site?

Yes  No

j. Is the DBE trucking company solely an owner operator? (only one truck that they drive themselves)

Yes  No

if yes, questions k-m below may be skipped.

k. Is the DBE maintaining its own payroll?

Yes  No

l. Who prepares the DBE's certified payroll?

If the DBE's employees on site are not able to answer this question, you may have to call or email the DBE owner for the answer.

m. Is the DBE scheduling work activities, material deliveries, and other related actions required for prosecution of the work?

Yes  No

If no, explain

n. Did the DBE subcontract any items or portions of the work to any other firm? DBE must perform at least 30% of total contract themselves. Any work completed by non-DBE's does not count towards DBE participation and should be reflected as such in the payments reported on the contract in B2Gnow (CCS).

Yes  No

If yes, what % was subcontracted?

Name of the firm:

If yes, was Civil Rights office contacted? Civil Rights must ensure any non-DBE's working for or completing a portion of the DBE's work is identified and reported correctly in the contract in B2Gnow (CCS).

Yes  No

If no, why not?

Additional Comments for Management Section

## 2. Equipment

a. List the trucks/trailers used by the DBE. Include license plate numbers.

b. Does the equipment have the DBE's markings or emblems?

Yes  No

If another firm's markings are discernible, note the name(s)

c. Is the DBE's equipment

Owned  Leased  Rented

If leased or rented, from who

If leased or rented, please have DBE provide documentation for each applicable piece of equipment.

d. Are the operators of the equipment employees of the DBE?

Yes  No

If no, what company do the employees work for

Additional Comments for Equipment Section

### 3. Workforce

a. List the name of the DBE's employees on the project site (first & last names)

b. Do employees on the project site state they work for the DBE firm when asked? Ask 1 to 2 employees while on site.

Yes  No

c. Are the DBE's employees working on a distinct element of work, independently without assistance of other participating contractors?

Yes  No

If no, explain

Additional Comments for Workforce Section

### 4. Performance

a. Does the DBE appear to have control over methods of work on its contract items?

Yes  No

If no, explain

b. Has any other contractor performed any amount of work specified in the DBE contract?

Yes  No

If yes, explain

c. Was there a change order or other modification in work that decreased the DBE's original commitment amount (as listed on Form C in the DBE Participation Review Packet)?

Yes  No

If yes, explain

d. Was there a Replacement Approval Request (SFN 60595) submitted and approved by Civil Rights for any portion of the DBE's work?

Yes  No

If yes, explain

Additional Comments for Performance Section

### 5. Truckers

Please verify each DBEs truck using the Comprehensive DBE Trucking Roster located online at

<https://www.dot.nd.gov/about-nddot/civil-rights/disadvantaged-business-enterprise-dbe-program>

a. Briefly describe the on-site controls used to identify DBE and non-DBE haulers and to track the value of their participation, i.e. number of trips, quantities, etc. (Attach supporting documents such as haul tickets, vehicle logs, trucking worksheets, etc)

b. Were DBE trucks present on the job site?

Yes  No

Use Trucking Roster to verify.

If any trucks were used that are not on the DBEs Trucking Roster please note them here

c. Was at least one DBE-owned and operated truck used in the hauling process?

Yes  No

d. Are the DBE employees shown on the certified payroll?

Yes  No  N/A (De Minimis or no employees)

e. Are the certified payrolls for the DBE showing that employees are paid the appropriate wage rate that was included in the project proposal?

Yes  No

If no, explain

Additional Comments for Trucking Section

**6. DBE Trucking Companies Utilizing 1:1 Ratio**

<p>a. Is the DBE authorized on the DBE Directory to utilize the 1:1 DBE Trucking Ratio?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>This is identified on the DBE Directory <a href="https://dotnd.diversitycompliance.com">https://dotnd.diversitycompliance.com</a> under each firm listing with the text *Eligible to quote DBE 1:1 Trucking Ratio* in their Certified Business Description. If that text is not listed, they are not authorized.</p>
<p>b. Does the on-site monitoring of trucks provide a means to identify and count non-DBE and DBE haulers, ensuring non-DBE hauling is limited to the value of DBE hauling?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>This should be verified using the Weekly DBE Trucking form SFN 60781</p>
<p>c. Was credit for only fees and commissions given for additional non-DBE hauling that exceeded the value of DBE hauling (i.e. any non-DBE trucks subcontracted to the DBE over and above the number of DBE trucks on site each day)?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>
<p>d. Considering the value/running tally of DBE and non-DBE hauling completed to date, as compared to remaining hauling, does it appear that the DBE commitment will be met?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If no, explain</p>
<p>e. List the names of the non-DBE companies the DBE utilized as match trucks</p>
<p>f. Has SFN 60781 DBE Weekly Trucking Report been received? This is a <b>requirement</b> while utilizing the 1:1 Ratio. This document should be uploaded to CARS each week.</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If no, explain</p>
<p>g. Was at least the same amount or greater DBE's truck(s) on site as non-DBE match trucks each day? This should be double verified as best as possible by viewing the trucking operations of the DBE on-site as well as reviewing the DBE Weekly Trucking Report submitted by the DBE.</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If no, explain</p>
<p>Additional Comments for 1:1 Ratio Section</p>
<p>General Notes</p>
<p>If the DBE is not performing independently or providing work/services they are certified to complete as listed in the DBE Participation Review Packet, please describe.</p>

If the Commercially Useful Function was not completed at the time the DBE was on-site, please fill out as much of the form as possible and provide the reasons below why it was not completed at the appropriate time

Project Engineer/Manager Signature			
NDDOT District or Consulting Company			Date
Project Engineer/Manager Name		Project Engineer/Manager Email	
Civil Rights Division Signature			Date

### CUF Red Flags

These are items to be aware of when the DBE is on-site completing work that is counted towards the Department's overall DBE Goal. If any of these items are identified, please make note of it during the review and give as much detail as possible.

- DBE is performing work outside of its known experience or capability.
- DBE workforce is not under DBE's control/direction.
- DBE working without a subcontract agreement approved by the department.
- Invoices do not indicate the DBE is the customer.
- DBE is using equipment owned by Prime or subs.
- DBE is using employees of Prime or other subs.
- DBE is not authorized to utilize the 1:1 Trucking Ratio.
- DBE truck(s) were not on site each day the non-DBE match trucks were.
- SFN 60781 Weekly Trucking Report was not received