

# Commercially Useful Function (CUF)/ Compliance Evaluation Form - Service Providers

## SAMPLE FORM

This **optional** form may be used by recipients as a means to document their certification that the elements of work performed by a Disadvantaged Business Enterprise (DBE) service provider were monitored and evaluated according to the Commercially Useful Function (CUF) and counting requirements of 49 CFR §26.55. This form also contains data and questions related to the running tally of DBE payments, termination of work, and changes in contract scope that may require prompt action to ensure final compliance. Once completed, recipients should review, in totality, the answers to questions in this form and related documents to assist in making final CUF and counting determinations. Recipients may revise this form to account for differences in their DBE Programs.

This form does not include any statement of agency policy or interpretation concerning a statute, regulation, or technical matter within the jurisdiction of the agency that is intended to have general applicability and future effect. Use of this form is strictly voluntary. Nonconformity with or non-use of this form will not affect rights and obligations under existing statutes and regulations.

### Section I- Project and Payment Data

|                              |                                  |                                 |                             |
|------------------------------|----------------------------------|---------------------------------|-----------------------------|
| <b>Contract No./ID:</b>      | <b>Project Name:</b>             |                                 |                             |
| <b>Prime Provider:</b>       | <b>DBE Goal:</b>                 | <b>District/Region:</b>         |                             |
| <b>DBE Subcontract \$:</b>   | <b>DBE Commitment \$:</b>        | <b>% of DBE Work Completed:</b> |                             |
| <b>DBE Start Date:</b>       | <b>DBE Payments to Date \$:</b>  |                                 |                             |
| <b>DBE Provider Name:</b>    | <b>DBE Representative:</b>       |                                 |                             |
| <b>DBE Provider Owner:</b>   | <b>DBE Representative Title:</b> |                                 |                             |
| <b>DBE is Performing as:</b> | Prime Service Provider           | Sub Service Provider            | Lower-tier Service Provider |
| <b>Service Category:</b>     |                                  |                                 |                             |

Provide a brief description of the DBE's scope of work/services from the approved subcontract/sub-agreement:

**The following two questions pertain to DBE participation submitted (under commitment) to meet a contract goal:**

- Are the descriptions of work in the DBE's subcontract/sub-agreement and the Prime's DBE commitment consistent?

YES      NO (If "NO," how was this resolved?)      N/A

- Have there been any changes in project scope that would affect the DBE commitment?

YES (If "YES," describe changes in scope, impacts, and actions to resolve)      NO      N/A

## Section II- Evaluation and CUF Determination

|  |            |           |            |
|--|------------|-----------|------------|
| <b>Supervision and Management</b> <span style="color: red;">(Questions 1 -3 do not apply to temporary labor services)</span> | <b>YES</b> | <b>NO</b> | <b>N/A</b> |
|--|------------|-----------|------------|

1. Was all work performed directed by the DBE's supervisory personnel ? (e.g. DBE directs its own employees and controls all elements of work; approving signatures/ initials on work products, title blocks and other relevant documents were those of DBE supervisory personnel)
2. Do workflows indicate that the designated DBE Project Manager/Supervisor is directing all work?
3. If the DBE project team or its representative is co-located in the prime's office, is it evident that the DBE has sufficient on-site expertise and control that allows it to manage its work independently?

**Comments Required for all "NO" or "N/A" Responses:**

|                    |            |           |            |
|--------------------|------------|-----------|------------|
| <b>Performance</b> | <b>YES</b> | <b>NO</b> | <b>N/A</b> |
|--------------------|------------|-----------|------------|

4. Did the State DOT make adjustments in counting where the DBE itself sublet or outsourced any portion of its work to a non-DBE?
5. Did the DBE perform at least 30% of the work under its contract/agreement?
6. Provide the value of any DBE work (under commitment) that was terminated by the prime and performed by another firm without the State DOT's prior written consent:

OR

- 6a. Where written consent was not obtained, did/will the State DOT deny payment to the prime for DBE work it self-performed or DBE work performed by another firm?
7. Did the prime make every good faith effort to replace the value of work under commitment not performed by the DBE for any reason (other than State-initiated changes in scope)?

**Comments Required for all "NO" or "N/A" Responses:**

|                  |            |           |            |
|------------------|------------|-----------|------------|
| <b>Workforce</b> | <b>YES</b> | <b>NO</b> | <b>N/A</b> |
|------------------|------------|-----------|------------|

8. Based on the site visit, were the personnel observed/performing work consistent with the DBE's affirmed listing of project personnel, payrolls, or other valid document?
9. With respect to professional services, are document authors and signers of certifications, stamps, seals, title blocks, etc. consistent with the DBE's affirmed listing of qualified project personnel?


**Workforce (continued)****YES****NO****N/A**

10. Based on employee interviews, is the DBE the only service provider that is compensating the personnel performing the work?

-Provide the names of DBE personnel observed or interviewed in the Comments box

**Comments Required for all "NO" or "N/A" Responses:**

**Equipment****YES****NO****N/A**

11. Did the DBE use its own equipment to perform the work specified in its contract/ agreement? (Total stations, computer hardware, plotters, computer automated design software, personal protective equipment, tools, and other equipment required to perform or produce the work.)
12. For equipment not owned by the DBE, did the DBE lease it from a company other than the prime or an upper-tier service provider?
13. If 12. above is "NO," provide the value of equipment borrowed or leased from the prime or an upper-tier service provider: OR 
14. Provide information about equipment leased or borrowed by the DBE:
15. Did the prime increase DBE participation to replace the value of equipment borrowed or leased from the prime or upper-tier service provider, as indicated in "13." above?
16. Is all equipment being operated by DBE employees and under the direct supervision of the DBE?

**Comments Required for all "NO" or "N/A" Responses:**

**CUF Determination**

Based on the observations reported in this document, including relevant attachments, I affirm that the participation of the DBE entered at the top of this form has been counted in accordance with 49 CFR §26.55, and accurately reflected in our agency's reporting system.

Reviewer Signature:

Date:

Printed Name and Title of Reviewer:

**Determination Comments:**