



# DBE COMMERCIALLY USEFUL FUNCTION REVIEW AND CERTIFICATION

Wisconsin Department of Transportation  
DT1011 4/2022

WisDOT Region/County	
Prime Contractor	
Project Number(s):	

CONTRACT DBE GOAL	
Advertised	Awarded (Post Evaluation)
Subcontract Value:	

PROJECT ENGINEER/CUF CERTIFIER	
Name	
Title	
Signature	

DBE SUBCONTRACTOR/CUF REVIEW RECIPIENT	
Firm Name	
Work Type for DBE Credit	
Date	

RECORDS AND DOCUMENTATION REVIEW	YES	NO	N/A
<p><b><u>Management/Supervision</u></b></p> <p>Yes, if a DBE on-site representative, a regular employee of the DBE, is providing the direct supervision of the DBE employees, and is in effective control of the DBE work.</p> <p><b>Name of DBE on-site representative:</b> _____</p> <p>No, if a prime or another contractor representative is providing direct supervision of the DBE employees, and appears to be in control of the DBE work.</p> <p><i>Examples of Records/Documentation for Verification:</i> Subcontract or Documents submitted to Project Engineer regarding the project on letterhead Document communication with DBE owner or Superintendent</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b><u>Employees</u></b></p> <p>Yes, if the DBE firm is performing their work with individuals normally employed by the DBE firm, and on this project these employees are under DBE supervision, and appear on DBE payrolls.</p> <p>No, if the DBE work is being performed by individuals who normally work for other firms, are being "shared" by the DBE firm for this project or are not appearing on the DBE payrolls.</p> <p><i>Examples of Records/Documentation for Verification:</i> Certified Payrolls Name on equipment uniforms</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b><u>Supply/Install</u></b></p> <p>Yes, if the DBE negotiated the cost of materials, arranged for the delivery, and paid for the materials or supplies.</p> <p>Who and what work items? _____</p> <p>No, if the DBE was not involved in the acquisition of the materials used to perform their work items.</p> <p><i>Examples of Records/Documentation for Verification:</i> Invoices or Bills of Lading/Delivery Tickets Cancelled checks or Documentation of Material On Hand</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b><u>Equipment</u></b></p> <p>Yes, if the DBE is using their own equipment, and Yes if the DBE is leasing specialized equipment, from other than the Prime, consistent with normal industry practices and at competitive rates.</p> <p><b>Name(s) on DBE equipment:</b> _____</p> <p>No, if the DBE is dependent on using or leasing equipment from the Prime.</p> <p><i>Examples of Records/Documentation for Verification:</i> Titles, Lease Agreements, Invoice Rental or lease documents</p> <p style="text-align: right;">Offsite Hauling</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b><u>Commercially Useful Function</u></b></p> <p>Does it appear that the DBE is actually performing, managing, and supervising the work that they are performing <b>for DBE credit</b>? <b>If no – alert the DBE Office or the servicing Compliance Specialist.</b></p> <p><i>Example of Records/Documentation for Verification:</i> Subcontract Agreement, Purchase Order/Invoice, Hauling Ticket</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**DBE COMMERCIALY USEFUL FUNCTION REVIEW AND CERTIFICATION (continued)**

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**Comment and Red Flag Checklist**

FEDERAL STANDARDS FOR DBE UTILIZATION	RED FLAG CHECKLIST
<p><b><u>PERFORMANCE</u></b></p> <ol style="list-style-type: none"> <li>1. DBE must be responsible for performing its own work on the project</li> <li>2. The scope of the DBE subcontract must be performed with its own workforce</li> <li>3. The DBE keeps a regular workforce and has its own employees</li> <li>4. The DBE is utilizing its own equipment</li> <li>5. Equipment operation must be subject to the full control of the DBE</li> </ol> <p><b><u>MATERIALS</u></b></p> <ol style="list-style-type: none"> <li>1. DBE is responsible for the delivery of the materials</li> <li>2. DBE is ordering the material and invoices indicate that DBE is the customer</li> <li>3. Material invoices indicate that DBE owner or Superintendent is the contact person</li> </ol> <p><b><u>MANAGEMENT/SUPERVISION</u></b></p> <ol style="list-style-type: none"> <li>1. DBE supervisor is a full-time employee of the DBE</li> <li>2. Employees are being supervised by DBE supervisor</li> <li>3. DBE is scheduling work operations</li> </ol>	<p style="text-align: center;"><b>Please check any that apply</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> A portion of the DBE's work being done by the prime contractor or jointly with another contractor</li> <li><input type="checkbox"/> Employees are working for both the Prime and the DBE</li> <li><input type="checkbox"/> Equipment used by the DBE belongs to another contractor and there is no formal lease agreement</li> <li><input type="checkbox"/> Equipment signs and markings cover another contractor's identity</li> <li><input type="checkbox"/> Equipment has another contractor's name on it</li> </ul> <ul style="list-style-type: none"> <li><input type="checkbox"/> Materials for DBE credited work are delivered to the prime contractor</li> <li><input type="checkbox"/> Materials are ordered, billed to, and/or paid by the prime contractor</li> <li><input type="checkbox"/> Invoices do not indicate that DBE is the customer</li> <li><input type="checkbox"/> Prime's employee is listed as the contact person on invoices</li> <li><input type="checkbox"/> Materials come from prime contractor's stockpile</li> </ul> <ul style="list-style-type: none"> <li><input type="checkbox"/> DBE firm's employees are being supervised by prime contractor or another contractor</li> <li><input type="checkbox"/> DBE is not supervising the work of its employees</li> <li><input type="checkbox"/> DBE supervisor is not a full-time employee of the DBE</li> </ul>
<b>COMMENTS/NOTES</b>	

# DBE COMMERCIALY USEFUL FUNCTION REVIEW AND CERTIFICATION *(continued)*

Wisconsin Department of Transportation DT1011

## Instructions for Completing DBE Commercially Useful Function Review & Certification Forms

### Regulatory Guidance

Per 49 CFR 26.55 A DBE performs a commercially useful function (CUF) when the DBE is responsible for execution of their work under the contract and the DBE is carrying out its responsibilities by **actually performing, managing, and supervising their work**. A DBE firm **does not** perform a CUF if the DBE 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.

DBE Commitments become contractual requirements upon the execution of the contract and should be monitored and enforced accordingly. Modifications to the DBE commitment must be justified by the Department's project staff, in writing.

Per 49 CFR § 26.37 WisDOT must have a **monitoring and enforcement mechanism** to ensure that work committed to DBE firms on federally funded projects is actually performed by the DBE firm contracted with per the DBE Commitment Form (DT. This mechanism must include a **written certification** that the Project Engineer and/or WisDOT staff has adequately monitored the work site and contract records such that WisDOT staff confirms that the reviewed DBE firms have performed their work on the project with their own resources.

The Construction Project Engineer is responsible for reviewing the satisfactory work performance of all contractors, including DBE certified firms, on WisDOT contracts. However, anyone on the project team should alert the DBE Office if there are questions or issues regarding the performance of DBE subcontracted work.

On federal aid contracts, the signature of the Project Manager on the DT1582 Completion Certificate recorded in Project Tracking constitutes certification that the Project Engineer and/or project staff effectually monitored the DBE work performance and contract records to verify that the DBE firms were responsible for the execution of their work under the contract.

### Instructions

1. DBE Office will provide forms DT1011 with corresponding Project ID and DBE firms to Project Engineer or CUF Certifier.
2. This CUF Review should be conducted when work approved for each selected DBE consultant is underway.
3. The reviewer/certifier must answer all of the questions on page 1 and affirm that there were no red flags. The Comment page should be used to explain anything checked "No" on page 1 and/or any other red flags.
4. The reviewer/certifier should check the "YES" box when the DBE consultant is clearly performing the CUF area (i.e. Management/Supervision, Employees, Materials, and Equipment) and when the area directly applies to a DBE consultant's work type. The reviewer/certifier should check the "NO" box when the DBE is not performing the CUF area and when the area directly applies to a DBE's subcontracted work type. The reviewer/certifier should check the "N/A" box when the category does not apply to the DBE and its subcontracted work type (i.e. The "Materials" category would not apply to DBEs subcontracted for materials testing work).
5. All findings on this form should be substantiated with entries in the Project Diary when applicable. A complete review affirms that an inspection of the DBE firm's work was conducted by WisDOT staff during the execution of the referenced contract. **Red Flag observations must be forwarded to the DBE office promptly: [DBE\\_Alert@dot.wi.gov](mailto:DBE_Alert@dot.wi.gov)**