



To complete a Commercially Useful Function (CUF/Compliance Evaluation Form – Contractor (272-052) determination, the Project Engineering Office and Inspector MUST review and attach all the following applicable documents with the completed and signed form and send to the appropriate Regional OECR inbox at:

Eastern Region	ERRegionOEO@wsdot.wa.gov
Headquarters	HQOEO@wsdot.wa.gov
North Central Region	NCRegionOEO@wsdot.wa.gov
Northwest Region	NWRegionOEO@wsdot.wa.gov
Olympic Region	ORegionOEO@wsdot.wa.gov
South Central Region	SCRegionOEO@wsdot.wa.gov
Southwest Region	SWRegionOEO@wsdot.wa.gov
Washington State Ferries	FerriesOEO@wsdot.wa.gov

Do not submit only some of the required documents; OECR will return such submissions as incomplete and may result in an administrative CUF failure. PLEASE NOTE: Failed CUF means no DBE credit for participation.

For any DBE firms performing on your subject project (COA or non-COA), all of the required supporting documents in the applicable checklist below must be reviewed and provided to OECR for EACH DBE OSR submission.

ABBREVIATIONS

BIB Bid Item Breakdown form
DBE Disadvantaged Business Enterprise
IDR Inspector Daily Report
OSR On-Site Review

CHECKLIST TABLE OF CONTENTS FOR WSDOT CONSTRUCTION

1. [Furnish and Install](#)
2. [Labor Only](#)
3. [Trucker/Hauler \(Owner/Operator\)](#)

CHECKLIST TABLE OF CONTENTS FOR LOCAL AGENCY CONSTRUCTION

4. [Furnish and Install](#)
5. [Labor Only](#)
6. [Trucker/Hauler \(Owner/Operator\)](#)

CHECKLISTS FOR WSDOT CONSTRUCTION:

1. Furnish and Install:

Executed DBE subcontract to be submitted in Unifier
Authorized Request To Sublet to be submitted in Unifier
DBE Change orders (if not already provided)
Inspector Daily Report (IDR) (date should match On-Site Review (OSR) date)
Certified payroll for Prime and DBE for the date of OSR (review only; do not provide)
Provide ownership documents (i.e., registration, leases, or rental agreements) for equipment used in the performance of work without permanent markings.
Inspector needs to collect bill of lading for materials delivered on the date the OSR was conducted

2. Labor Only:

Executed DBE subcontract to be submitted in Unifier
Authorized Request To Sublet to be submitted in Unifier
DBE Change orders (if not already provided)
Inspector Daily Report (IDR) (date should match On-Site Review (OSR) date)
Certified payroll for Prime and DBE for the date of OSR (review only; do not provide)
Provide ownership documents (i.e., registration, leases, or rental agreements) for equipment used in the performance of work without permanent markings.
If DBE firm is performing Temporary Traffic Control, supply Daily Traffic Control Summaries - Includes full weeks' worth which coincide with submitted IDR and each individual DBE OSR;

3. Trucker/Hauler (Owner/Operator):

Executed DBE subcontract to be submitted in Unifier
Authorized Request To Sublet to be submitted in Unifier
DBE Change orders (if not already provided)
Inspector Daily Report (IDR) (date should match On-Site Review (OSR) date)
Provide ownership documents (i.e., registration, leases, or rental agreements) for equipment used in the performance of work without permanent markings. Pictures of registrations must be taken on day of review
Daily Truck Unit Listing Log (WSDOT Form 350-077) for date the OSR was conducted
Haul/delivery tickets, trucking tickets and scale man tickets, vehicle logs, trucking worksheets
Documentation if there are any non-countable items such as non-DBE owner-operator trucks, lower-tier subcontractors to DBE firm that are not certified DBEs, or prime-provided equipment

CHECKLISTS FOR LOCAL AGENCY CONSTRUCTION:

4. Furnish and Install:

Bid Tabulation Document from bid opening for Design-Bid-Build projects, if not already supplied to WSDOT OECR;
Prime's Bid Item Breakdown (BIB) from bid opening for Design-Bid-Build projects, if not already supplied to WSDOT OECR;
Executed DBE subcontract to be submitted to WSDOT OECR;
Authorized Request To Sublet to be submitted to WSDOT OECR;
DBE Change orders (if not already provided)
Written Documentation (i.e. *"Inspector's Work Report/Diary (date should match On-Site Review (OSR) date)"*)
Certified payroll for Prime and DBE for the date of OSR
Provide ownership documents (i.e., registration, leases, or rental agreements) for equipment used in the performance of work without permanent markings.
Inspector needs to collect bill of lading for materials delivered on the date the OSR was conducted
Proof of payment made by the DBE firm to the source of the materials delivered on the date the OSR was conducted.

5. Labor Only:

Bid Tabulation Document from bid opening for Design-Bid-Build projects, if not already supplied to WSDOT OECR;
Prime's Bid Item Breakdown (BIB) from bid opening for Design-Bid-Build projects, if not already supplied to WSDOT OECR;
Executed DBE subcontract to be submitted to WSDOT OECR;
Authorized Request To Sublet to be submitted to WSDOT OECR;
DBE Change orders (if not already provided)
Written Documentation (i.e. *"Inspector's Work Report/Diary (date should match On-Site Review (OSR) date)"*)
Certified payroll for Prime and DBE for the date of OSR
Provide ownership documents (i.e., registration, leases, or rental agreements) for equipment used in the performance of work without permanent markings.
If DBE firm is performing Temporary Traffic Control, supply Daily Traffic Control Summaries - Includes full weeks' worth which coincide with submitted written documentation, prime certified payrolls, and each individual DBE OSR;

6. Trucker/Hauler (Owner/Operator):

Bid Tabulation Document from bid opening for Design-Bid-Build projects, if not already supplied to WSDOT OECR;
Prime's Bid Item Breakdown (BIB) from bid opening for Design-Bid-Build projects, if not already supplied to WSDOT OECR;
Executed DBE subcontract to be submitted to WSDOT OECR;
Authorized Request To Sublet to be submitted to WSDOT OECR;
DBE Change orders (if not already provided)
Written Documentation (i.e. *"Inspector's Work Report/Diary (date should match On-Site Review (OSR) date)"*)
Provide ownership documents (i.e., registration, leases, or rental agreements) for equipment used in the performance of work without permanent markings.
Daily Truck Unit Listing Log (WSDOT Form 350-077) for date the OSR was conducted
Haul/delivery tickets, trucking tickets and scale man tickets, vehicle logs, trucking worksheets
Documentation for any non-countable items such as non-DBE owner-operator trucks, lower-tier subcontractors to DBE firm that are not certified DBEs, or prime-provided equipment.



Commercially Useful Function (CUF)/ Compliance Evaluation Form - Contractor

INSPECTOR FILLS OUT THIS PORTION:
Date of On Site Review
Inspector Name
Inspector Signature

PEO FILLS OUT THIS PORTION:
PEO Representative Name
PEO Signature
Date Reviewed

- Inspector should complete all Sections and then send to the Project Engineering Office (PEO) for review. The inspector should include pictures to support the verification and determination process.
- Within 28 days of the PEO review, the CUF form should be sent to the regional Office of Equity and Civil Rights (OECR) Representative, who will reconcile and verify CUF determination. All applicable documents should be included in the submission (listed above).

Purpose: This form serves as written certification that the work performed by a DBE contractor was monitored and evaluated according to the Commercially Useful Function and counting requirements of 49 Code of Federal Regulation Part 26.55. This form also contains data and questions to supplement the monitoring of payments, work termination, or contract scope changes that may require prompt action to ensure final compliance. This form is to be completed at the peak of work, anytime there is a significant change in the DBE's work scopes, and yearly for multi-year projects. Once the Project Engineer Office has completed its portion of the review, this form and all supporting documentation shall be emailed to the Region OECR Representative within 28 calendar days of completion. This form will be completed based upon the reviewer's determination through observations and review of pertinent documents.

PEO FILLS OUT THIS SECTION					
Section I - Project and Payment Data					
WSDOT Contract No./Federal Aid Number		Project Name			
Prime Contractor		DBE Goal %	LA/Region		
DBE Subcontract Amount	DBE Commitment Amount		% of DBE Work Completed		
DBE Start Date	DBE Payments to Date				
DBE Company Name		DBE Employee Interviewed			
DBE Company Owner		DBE Employee Interviewed Title			
DBE Role: Prime Contractor Subcontractor Subcontractor Tier _____ Trucker/Hauler			Type of Arrangement: Furnish and Install Labor Only		
Provide a brief description of the DBE's scope of work from the approved subcontract:					
The following two questions pertain to DBE participation submitted (under commitment) to meet a contract goal:					
Filled out by PEO					
Are the work descriptions in the RTS and the Bid Item Breakdown commitments consistent?					
YES NO (If "NO," describe changes in scope, impacts, and actions to resolve) N/A					
Have there been any changes in project scope that would affect the DBE's commitment?					
YES (If "YES," describe changes in scope, impacts, and actions to resolve) NO N/A					
Section II - Evaluation					
Management			YES	NO	N/A
Filled out by Inspector					
1. Does the DBE's Supervisor/Foreman direct and schedule all work activities, including material deliveries, without assistance from the prime or upper-tier subcontractor?					

Filled out by PEO				
		YES	NO	N/A
2. Is the person interviewed only an employee of the DBE firm and not the prime or upper-tiered subcontractor?				
Comments Required for all "NO" Responses:				
Performance		YES	NO	N/A
Filled out by Inspector				
3. Did the DBE perform at least 30% of its subcontract with its own workforce?				
Filled out by PEO				
4. Provide the value of any DBE work (under commitment) that was terminated by the prime and performed by another firm without the WSDOT's prior written consent:		\$		
4a. Where written consent was not obtained, did/will WSDOT or LA deny payment to the prime for work it self-performed or was performed by another firm?				
5. Did WSDOT or LA make adjustments in counting where the DBE subcontracted any portion of its work to a non-DBE?				
6. 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 Owner-initiated changes in scope)?				
Comments Required for all "NO" Responses:				
Workforce		YES	NO	N/A
Filled out by Inspector				
7. Are the DBE's employees working on a distinct element of work independently without the assistance of other participating contractors?				
Filled out by PEO				
8. Do DBE employee names only appear on the DBE's payrolls and not the payrolls of the prime or other contractors employed on the project?				
9. Based on reviewing at least one certified payroll, is the number of DBE personnel documented in the project work report/diary consistent with the number of personnel on the DBE's payroll(s)?				
10. Based on employee interviews, is the DBE the only contractor providing pay and other compensation (i.e. benefit plans) to its personnel?				
Comments Required for all "NO" Responses:				
Equipment		YES	NO	N/A
Filled out by Inspector				
11. Provide ownership documents (i.e., registration, leases, or rental agreements) for equipment used in work performance without permanent markings. Inspector must take photos of Documentation on the day of the interview.				
12. Was all equipment used by the DBE owned by the DBE, or leased/rented from a company other than the prime or upper-tier subcontractor?				
13. If 12. above is "NO," provide the value of equipment borrowed or leased from the prime or an upper-tier subcontractor:		\$		

	YES	NO	N/A
14. Provide information about equipment leased or borrowed by the DBE from the Prime or an upper-tier subcontractor:			
15. Is all equipment being operated by DBE employees and under the direct supervision of the DBE?			
Comments Required for all "NO" Responses:			
Materials (This section applies to "Furnish and Install" work only)	YES	NO	N/A
Filled out by Inspector			
16. Was the DBE on-site to receive delivery of its materials?			
Comments Required for all "NO" Responses:			
Trucking/Hauling (Complete only questions 17-20 of this section for trucking contracts/subcontracts)	YES	NO	N/A
Filled out by Inspector			
17. Briefly describe the on-site controls used to identify DBE and non-DBE haulers and track their participation value, i.e., number of trips, quantities, etc. (Attach supporting documents, such as haul tickets, vehicle logs, trucking worksheets, etc.)			
18. Was at least one DBE-owned and operated truck used in the hauling operation?			
19. Does the State's approved DBE Program allow hauling credit for non-DBEs?			
20. Were all trucks operated by DBE owner-operators, employees of the DBE or lower-tier DBE, or leased from a non-DBE truck leasing company and operated by DBE drivers, bearing the name and USDOT identification number of the DBE?			
Filled out by PEO			
1:1 DBE/Non-DBE Counting			
21. 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?			
22. Was credit for only fees and commissions given for additional non-DBE hauling that exceeded the value of DBE hauling?			
23. Considering the value/running tally of DBE and non-DBE hauling completed to date, compared to remaining hauling, does the DBE commitment appear to be met?			
Comments Required for all "NO" Responses:			

Section III - CUF Determination - to be completed by OECR

Are the work descriptions in the DBE's subcontract and the Primes DBE commitment consistent?

YES

NO (if "NO", how was this resolved?)

N/A

YES NO N/A

24. For work under commitment, did the prime increase its DBE participation to replace the value of equipment borrowed or leased from the prime or upper-tier subcontractor, as indicated in "13." above?

25. According to the material invoice, did the DBE purchase materials from a source other than the prime or one of its affiliates? (If "NO" DBE credit is disallowed)

26. According to the material invoice, were materials billed to the DBE or DBE Owner/representative? (Attach Invoice)

27. Was proof of payment obtained? (Attach document such as electronic funds transfer, copy of check, signed payment certification, etc.)

28. Were material shipping documents addressed to the DBE?

YES NO N/A

29. If a joint check was used, did it go through the proper approval process, and did the DBE present it to the manufacturer/supplier?

30. Was the value of any non-DBE hauler's participation adjusted to allow only fees and commissions?

31. Considering the value/running tally of DBE hauling completed to date, compared to remaining hauling, does the DBE commitment appear to be met?

Based on the observations reported in this document, including relevant attachments, I affirm that the DBE listed in Section 1 was performed independently and has been counted in accordance with 49 CFR §26.55, and accurately reflected in our agency's reporting system.

Yes

No

OECR Name/Signature

Date

OECR Manager Signature (Required if CUF not met)

Comments:

Form Instructions

Section 1 – Project and Payment Data (to be completed by Project Engineer Office)

Fill in the information in the corresponding boxes. Clarification below.

DBE Goal %: indicate the goal amount that was originally set by OECR.

DBE Subcontract Amount: indicate the dollar amount of the DBE Subcontract.

DBE Commitment Amount: indicate the amount committed as the condition of award (If this DBE is race neutral this amount will be zero).

DBE Role: select the box corresponding to the type of contract being performed by the DBE.

Type of Arrangement: select the box corresponding to the work type being performed by the DBE according to the subcontract.

Provide a brief description of the DBE's scope of work.

- Indicate a response to Question 1. Are the descriptions of work in the DBE's subcontract and the Primes DBE commitment consistent? If 'NO', enter response.
- Indicate a response to Question 2. Have there been any changes in project scope that would affect the DBE's commitment? If 'YES', enter a response describing changes.

Section 2 – Evaluation (Management, Performance, Workforce, Equipment, Materials, and Trucking/Hauling if applicable)

Questions to be completed by Inspector and Project Engineer Office as indicated:

1. Indicate whether the person supervising the DBE and directing all work activities is the DBE Site Supervisor or Foreman
2. For this question, indicate if an employee of the DBE signs the DBE's certified payrolls and not the PRIME or upper-tier subcontractor
3. Indicate if the DBE performed at least 30% of work with its own workforce
4. Enter the value of DBE work (under commitment) that was terminated and then performed by another firm
- 4a. Indicate if the owner will deny any payment
5. Indicate if the owner made any adjustments to counting where the DBE subcontracted any portion of its work,
6. Indicate whether Good Faith Effort(s) for replacing the value of work was sufficient
7. Indicate whether the DBE employees are working independently without assistance from other contractors
8. Indicate whether DBE employees only appear on DBE payrolls or PRIME/other contractor payrolls
9. Indicate whether the number of DBE personnel is consistent with the IDR/Written Documentation
10. Indicate whether the DBE firm is the only contractor providing pay/other compensation to its personnel
11. For DBE vehicles or equipment without permanent markings which were used on the date of the OSR, indicate whether registrations for vehicles and/or lease/rental agreements for equipment were reviewed during OSR to ensure the equipment does not belong to, or is being leased/rented from, the prime or upper-tier subcontractor. Pictures of registrations/lease/rental agreements must be taken on the day of review.
12. Indicate whether all large equipment used by the DBE is owned, leased, or rented
13. If the answer to 12 above is 'NO', enter the value of the lease agreement for the equipment
14. Enter comments about equipment as related to the above questions
15. Indicate whether all equipment being operated by the DBE firm is under the direct supervision of the DBE
16. Indicate whether the DBE firm is listed as the receiver of those items and was on-site
17. Enter comments on the on-site controls used to identify the DBE, non DBE haulers and how value of participation is tracked (# of trips, quantities, etc). Attach supporting documents such as vehicle logs, worksheets etc.
18. Indicate whether at least one DBE owned and operated truck was used in hauling
19. Indicate whether the program allows for hauling credit. This question defaults to "No" at this time.
20. Indicate whether all trucks used by the DBE used bear the name and USDOT ID # of the DBE (non-DBE truck leasing company)
21. Indicate whether monitoring trucks provides a means to identify and count non DBE and DBE haulers. This question defaults to "N/A" at this time.
22. Indicate whether credit for fees/commissions was given. This question defaults to "N/A" at this time.
23. Indicate after review of total value whether commitment will be met. This question defaults to "N/A" at this time.

Section 3 – Office of Equity and Civil Rights Review and Evaluation

Provide a brief description of the DBE's scope of work.

- Indicate a response to Question 1. Are the descriptions of work in the DBE's subcontract and the Primes DBE commitment consistent? If 'NO', enter response

24. Indicate whether the prime or upper-tier contractor added work to the DBE firm to make up for the loss of countable participation for the leased equipment value
25. Indicate whether the DBE purchased materials from a source other than from the prime or upper-tier subcontractor.
26. Indicate whether the materials invoice was billed to the DBE or DBE owner (ensure the invoice is attached)
27. Indicate if materials delivered to the project site were addressed to the DBE
28. Indicate whether proof of payment was obtained (attach supporting Documentation such as copy of check, EFT, Accounting reconciliation, etc)
29. Indicate whether a Joint Check was used and, if so, did it go through the required approval process and DBE 'present' the check to the manufacturer/supplier
30. Indicate whether the value of the non-DBE hauler participation was adjusted. This question defaults to "N/A" at this time.
31. Indicate whether DBE commitment will be met. This question defaults to "N/A" at this time.

Commercially Useful Function and Affirmation

Reviewer Signature

Review / Affirmation Date

Reviewer Name and Title