CONSTRUCTION DIRECTIVE 07220.100.19 Revised: February 20, 2013

SUBJECT: Disadvantaged / Minority Business Enterprises (D/MBE) Schedule of Participation

FORM NO: OOC38, OOC39, OOC42, OOC47

A. GENERAL:

This Directive is to institute a uniform procedure to implement the utilization of Disadvantaged / Minority Business Enterprises (D/MBE) Contract Provisions.

B. PURPOSE:

To ensure that the D/MBE's perform the work as proposed in the Schedule of Participation.

C. DEFINITIONS: [n/a]

D. PROCEDURE:

The Schedule of Participation, which is submitted by the Contractor prior to award of the contract, is to be considered a firm commitment to use the specifically identified minority and disadvantaged business firms. Also, prior to the award, the D/MBE Administrator, Office of Construction (OOC), will forward a copy of the approved Schedule of Participation to the Senior Manager and to the District Equal Opportunity (EO) Officer.

The Senior Manager will furnish to the Project Engineer a copy of the approved Schedule of Participation. The Schedule of Participation is monitored for compliance at the District level by the District Equal Opportunity (EO) Officer and the Project Engineer.

If a Contractor has previously addressed an item of work in the original Schedule of Participation and the proposed D/MBE subcontractor/supplier/service is unable to perform during the life of the Contract, the Contractor shall readdress the item and submit a revised Schedule of Participation, reflecting the change, to the Senior Manager for approval. Any deviation from the original, approved Schedule of Participation is to be reported to the Contract Lead Manager immediately. Only the Senior Manager or their designated representative, with concurrence from the Office of Equal Opportunity, can approve any deviations from the Schedule of Participation throughout the life of the Contract. A copy of the revised Schedule of Participation will be sent to the D/MBE Administrator, OOC.

1. D/MBE Compliance Field Meeting: The Contract Provisions provide for a mandatory meeting to be held within two weeks after starting work on the project. The District EO Officer and the Project Engineer will jointly conduct this meeting.

   This meeting will be to review the responsibility of SHA and the Contractor's personnel relative to D/MBE compliance and documentation.

   The Project Engineer will notify the following representatives of the date, time and location, and will arrange the meeting. At least one week advance notice will be required.

Attendees – D/MBE Compliance Field Meeting

Administration Representatives
District EO Officer
Regional Construction Engineer
Project Engineer
Inspection Personnel

Contractor Representatives
Prime Contractor: Superintendent
Prime Contractor: EO Officer
Responsible Party for Each and All Firms Listed on the Schedule of Participation

The Regional Construction Engineer will record this meeting in the Initial Inspection Report. The Project Engineer will be responsible for monitoring compliance by inspection personnel.

2. A D/MBE file folder is a part of the standard project filing system requirements outlined in the SHA Construction Manual and shall include:

   a. Schedule of Participation - The Contractor's approved list of D/MBE's to be utilized in the achievement of the Contract D/MBE's goal.

   b. Subcontractor Approval - Copies of Approved Form OOC42's shall be included for D/MBE's performing subcontract work. The Schedule of Participation does not approve D/MBE's as subcontractors. D/MBE's listed in the Schedule of Participation for supply and services do not require subcontractor approval.

3. Display Form OOC38 "D/MBE Posting Chart" in the field office for easy reference by all. OOC38 is a project requirement whether a field office exists or not. If there is no field office, the Project Engineer should keep the OOC38 with the Schedule of Participation project file.

4. Commercially Useful Function (CUF) Review – Form OOC39 "D/MBE CUF" must be completed at least once during the life of the contract for each D/MBE working on the project. The CUF is federally regulated under 49 CFR 26.55.

5. The Weekly Report of D/MBE Trucking Activities (OOC47)

   Whenever an D/MBE trucker has three (3) or more D/MBE trucks working on a project, the D/MBE trucker must submit the Weekly Trucking Report to the prime contractor along with any applicable lease agreements. The prime contractor must submit the trucker's Weekly Report to the Project Engineer along with their payroll.

   The Weekly Report of D/MBE Trucking Activities keeps the Project Engineer abreast of the different truckers hauling for the D/MBE on the project. The D/MBE Trucker listed on the Schedule of Participation must have at least one (1) of its own working trucks on the project each day its firm is scheduled to work.

   The dates worked should match with the IDR dates that material was hauled, and the

company name of rented and/or owned/operated should be filled out on the report.

These reports are kept in a separate file for auditing and compliance reviews.

6. Daily Records

   The following information shall be added when D/MBE's are performing work. Indicate the date work started and the date work was completed using the identification number on the first and last IDR for each D/MBE.

   a. IDR

      i. Labor - Name of superintendent/foreman in charge of work.

      ii. Equipment - Owned (O) or Rented (R)- active and idle equipment.

      iii. Work Performed - Under location and quantity of completed work, indicate D/MBE number.

      iv. Materials - Indicate the material used or furnished by D/MBE using Identification Number.

   b. Daily Logs

      i. Under *Remarks* - Enter name and identification number for each D/MBE for date work started and date work completed.

      ii. All days that the D/MBEs are working, place the identification number ahead of item number worked on these days.

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APPROVED:

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