



Disadvantaged Business Enterprise (DBE) Commercially Useful Function (CUF) On-Site Review Form Manufacturer and Regular Dealer/Supplier

DBEs must perform a CUF. This means that manufacturer DBEs must operate or maintain a factory or establishment that produces, on the premises, the materials, supplies, articles, or equipment required under the contract and of the general character described by the specifications. Examples of such items could be a concrete ready mix plant, a crushing operation, or a steel or concrete fabricating plant.

Regular dealer/supplier DBEs must be an established, regular business that engages, as its principal business and under its own name, in the purchase and sale or lease of the products in question. In addition, with few exceptions, a regular dealer is a firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials, supplies, articles or equipment of the general character described by the specifications and required under the contract are bought, kept in stock, and regularly sold or leased to the public in the usual course of business.

The State/Local Public Agency must evaluate the DBE's performance to determine whether the DBE performs a CUF.

Purpose of the CUF review: To review the performance of DBEs on federal-aid projects for compliance with the CUF requirements for DBE credit, and to ensure that work committed to DBEs are actually performed by DBEs.

Instructions and guidance to complete the CUF review: The Project Engineer (P.E.) or his/her designee shall perform CUF reviews on all federally-assisted construction contracts with DBE participation. At least one CUF review per DBE should be conducted when records/documents (e.g. shipping documents, purchase order, etc.) are available.

The P.E./designee shall review all records/documents (e.g., shipping documents, purchase order, etc.) necessary to determine that the DBE is performing a CUF. At the discretion of the P.E./designee, a review of documents at the DBE's or prime contractor's place of business may be necessary.

The CUF Review Form is to be completed based upon the P.E./designee's determination through interview and review of project records/documents. If the answer is "no" to any of the questions, then an explanation must be provided in the general notes at the end of the relative section, unless otherwise noted.

The P.E./designee and Construction Engineer (C.E.)/designee must sign the completed CUF form. **A copy of the CUF form must be sent to HDOT OCR within 14 days of its completion.** If the form is submitted with missing/incomplete information, it will be returned to the P.E. for completion.

Section I - Project and Payment Data
To be filled out by P.E./designee

DBE Company Name: _____ DBE Company Owner: _____
 DBE Representative and Title: _____ Project No./ID: _____ Project Name: _____
 Prime Contractor: _____ Island/District: _____
 DBE Goal: _____ DBE Subcontract Amount: _____ Commitment to DBE: _____
 % of DBE Work Completed: _____ DBE Start Date: _____
 Amount of payments to date to DBE: _____ (NOTE: Provide/attach copies of canceled checks or bank statements to demonstrate proper payment(s) have been made to DBE.)

DBE Participation Submitted as: Manufacturer (100%) Regular Dealer/Supplier (60%)

Describe or attach a list of products and quantities to be sold or leased by the DBE under the prime's commitment, purchase order, or the DBE's subcontract: _____

Manufacturer (Count 100% of the cost of materials/supplies/articles produced) To be filled out by P.E./designee	Yes	No
1. Were the actual products manufactured by the DBE the same (type and quantity) as those described in the prime's commitment, purchase order, or the DBE's subcontract? If "NO" reevaluate eligible DBE participation before proceeding. 2. Do shipping documents, material certifications, or other information indicate that the final products were manufactured (blended, modified, fabricated, etc.) at a facility maintained or operated by the DBE? (Attach documents reviewed). If "YES" count 100% of the materials/supplies/articles purchased by prime. If "NO" DBE is not acting as a manufacturer. Count only fees and commissions and provide comments below. Proceed to CUF Determination section. 3. Is the business's primary function to manufacturer construction products? 4. Is this product normally produced by the DBE? 5. Is the quality of the materials controlled by the DBE? Comments Required for all "NO" or "N/A" Responses: _____ _____ _____		

Regular Dealer/Supplier (Count 60% of the cost of materials/supplies/articles produced) To be filled out by P.E./designee	Yes	No	N/A
1. Were the actual products provided by the DBE the same (type and quantity) as those described in the prime's commitment, purchase order, or the DBE's subcontract? If "NO" reevaluate eligible DBE participation before proceeding. 2. Does the DBE have an establishment where the products, or those of the general character described by the specifications and required under the contract, are kept and regularly sold/leased? If "YES" proceed to Question 3. If "NO" skip to Question 5. 3. Did <u>all</u> products come from the DBE's establishment or did the DBE have physical possession of the products prior to delivery? (Attach delivery/shipping documents that			

Regular Dealer/Supplier (Count 60% of the cost of materials/supplies/articles produced) To be filled out by P.E./designee	Yes	No	N/A
<p>show the product origin and name of delivery agent/company or operator's name and employer.) If "YES" skip to Question 7. If "NO" proceed to Question 4.</p> <p>4. Did the majority of products come from the DBE's establishment or did the DBE have physical possession of the majority of products prior to delivery? If "YES" make counting adjustments as appropriate and skip to Question 7. If "NO" DBE's primary role is not that of a regular dealer; count fees and commissions as appropriate, provide comments below, and proceed to CUF Determination section.</p> <p>5. Are the products considered bulk items or specialty items not typically stocked? If "Yes" proceed to Question 6. If "NO" DBE is not acting as a regular dealer; count only fees and commissions, provide comments below, and proceed to CUF Determination section.</p> <p>6. Did the DBE own (or have a long-term lease) and operate the distribution equipment used to deliver the products? (Attach delivery/shipping documents that indicate vehicle ownership and operator's name/employer). If "YES" proceed to Question 7. If "NO" DBE is not acting as a regular dealer; count only fees and commissions, provide comments below, and proceed to CUF Determination section.</p> <p>7. Did the DBE own the products sold or leased? (Attach documents reviewed: inventory records, payment records, material ownership certification, etc.) If "YES" DBE is a regular dealer; count 60% of the total value of materials sold or leased. If "NO" DBE is not a regular dealer; count fees and commissions, provide comments below, and proceed to CUF Determination section.</p> <p>Comments Required for all "NO" or "N/A" Responses: _____ _____ _____</p>			

CUF Determination – To be filled out by P.E./designee	Yes	No
<p>Does it appear the DBE is performing a CUF?</p> <p>If the DBE is not performing a CUF, contact HDOT's Office of Civil Rights 808-831-7901 and explain what corrective and/or enforcement action(s) was/were taken: _____ _____ _____</p>		

<p>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.</p>			
<p>Print name of P.E./designee and title:</p> <p>_____</p>	<p>Print name of C.E./designee and title:</p> <p>_____</p>		
<p>P.E./designee signature _____ Date _____</p>	<p>C.E./designee signature _____ Date _____</p>		