

CURRENT BUSINESS INFORMATION

FIRM NAME _____

PHYSICAL ADDRESS _____

MAILING ADDRESS _____

BUSINESS PHONE _____ FAX _____ CELL _____

BUSINESS EMAIL ADDRESS _____

BUSINESS WEBSITE ADDRESS _____

BUSINESS CONTACT PERSON _____

HAS THE OWNERSHIP OF YOUR BUSINESS CHANGED? YES NO
(If so, please provide supporting documentation)

HAS THE BUSINESS STRUCTURE CHANGED? (i.e., Changed from a Sole Proprietor to a LLC) YES NO (If so, please provide supporting documentation)

HAS THE MANAGEMENT OF YOUR BUSINESS CHANGED? YES NO
(If so, please provide supporting documentation)

EMPLOYER IDENTIFICATION NUMBER (EIN) _____

DO YOU WISH TO BE A GOOD FAITH EFFORT CONTACT? YES NO

Please note that your firm will continue to be listed as a certified DBE in the DBE Directory whether you check "Yes" or "No" to this question. If you check "Yes", prime contractors will be required to solicit your firm for bids. If you check "No", prime contractors are not required to solicit your firm for bids and it becomes your responsibility to contact prime contractors on the projects you wish to bid. Prime contractors must consider all bids submitted by DBE firms.

WHICH AREA OF THE STATE DO YOU WISH TO PROVIDE YOUR SERVICES?

Northern Region Central Region Southeast Region

WHAT IS YOUR FIRM'S BONDING LIMIT? _____
(Please provide supporting documentation)

Signature of Business Owner

Date

DESCRIBE THE CHANGES TO YOUR BUSINESS OWNERSHIP:

DESCRIBE THE CHANGES TO YOUR BUSINESS STRUCTURE:

DESCRIBE THE CHANGES TO YOUR BUSINESS MANAGEMENT:

**STATE OF ALASKA
UNIFIED CERTIFICATION PROGRAM**

**DISADVANTAGED BUSINESS ENTERPRISE (DBE)
CERTIFICATION VALIDATION INTERVIEW**

DATE AND TIME OF INTERVIEW

GENERAL BUSINESS INFORMATION

NAME OF BUSINESS _____

STREET ADDRESS _____

MAILING ADDRESS _____

BUSINESS CONTACT _____

BUSINESS PHONE () _____ FAX () _____ CELL _____

EMAIL _____ WEB ADDRESS _____

OFFICE SPACE (sq.ft.) _____ WAREHOUSE _____ STORAGE YARD _____

INTERVIEW: ONSITE? _____ TELEPHONE? _____

PARTICIPANTS AT THE INTERVIEW

NAME

TITLE

OWNER?

NAME	TITLE	OWNER?
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

SMALL BUSINESS ADMINISTRATION 8(a) CERTIFIED? _____ OR SDB CERTIFIED? _____
DATE OF CERTIFICATION _____

CERTIFIED WITH OTHER STATES/AGENCIES? _____
(BUSINESS ALREADY CERTIFIED IN THEIR HOME STATE AND IN OTHER STATES)

BUSINESS TYPE, SIZE, AND STRUCTURE

DATE BUSINESS ESTABLISHED _____ FOUNDER(S) _____

PRIMARY LINE OF BUSINESS AS DESCRIBED ON THE APPLICATION _____

INITIAL CASH CONTRIBUTION(S)

CONTRIBUTOR	AMOUNT	DATE CONTRIBUTED
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INITIAL EQUIPMENT CONTRIBUTION(S)

CONTRIBUTOR	TYPE OF EQUIPMENT	DATE CONTRIBUTED
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LICENSE INFORMATION

NUMBER	TYPE/LICENSE	EXPIRATION DATE	LOB
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ADDITIONAL NOTES:

GROSS RECEIPTS

TAX YEAR _____ GROSS RECEIPTS PER TAX FORM _____

TAX YEAR _____ GROSS RECEIPTS PER TAX FORM _____

TAX YEAR _____ GROSS RECEIPTS PER TAX FORM _____

NOTARIZED PERSONAL NET WORTH (PNW) PROVIDED BY DISADVANTAGED OWNER(S)? _____

TYPE OF ORGANIZATIONAL STRUCTURE

SOLE PROPRIETOR _____ PARTNERSHIP _____ CORPORATION _____ LLC _____

_____ ARTICLES OF INCORPORATION _____ PARTNERSHIP AGREEMENT

_____ ARTICLES OF ORGANIZATION _____ OPERATING AGREEMENT

_____ BY LAWS _____ ORGANIZATION CHART

_____ SHAREHOLDERS' AGREEMENTS _____ EMPLOYMENT AGREEMENT

_____ STOCK CERTIFICATES _____ STOCK LEDGER

_____ MINUTES OF ORGANIZATIONAL MEETING / BOARD OF DIRECTORS MEETINGS

CORPORATE OFFICERS

TITLE NAME SEX/RACE DIRECTOR?

PRESIDENT _____

VICE PRESIDENT _____

SECRETARY _____

TREASURER _____

OTHER _____

HOW OFTEN DOES THE BOARD OF DIRECTORS MEET? _____

ETHNIC/GENDER TYPE OF DOCUMENT(S) PROVIDED: _____

OWNERSHIP

NAME OF OWNER

SEX/RACE

OWNERSHIP%

WAS OWNERSHIP IN THE BUSINESS ACQUIRED USING JOINTLY OWNED OR COMMUNITY PROPERTY ASSETS? _____

IF YES: PLEASE EXPLAIN:

HAVE THERE BEEN ANY CHANGES IN OWNERSHIP SINCE THE BUSINESS WAS ESTABLISHED? _____ IF YES, PLEASE EXPLAIN:

DOES ANY OWNER, OR THEIR SPOUSE, CURRENTLY OWN A SIMILAR BUSINESS? _____

IF YES:

OWNER/SPOUSE NAME _____ BUSINESS INFORMATION _____

DOES ANY OWNER(S) CURRENTLY WORK FOR ANY OTHER BUSINESS? _____

IF YES:

NAME OTHER COMPANY POSITION HOURS PER WEEK

EXPERIENCE/EXPERTISE OF EACH OWNER / KEY PERSONNEL

NAME _____ RESUME PROVIDED? _____

NAME _____ RESUME PROVIDED? _____

NAME _____ RESUME PROVIDED? _____

NAME _____ RESUME PROVIDED? _____

***** APPENDIX A & B FOR EACH OWNER & KEY PERSONNEL *****

FINANCIAL

NAME OF BANK ACCOUNT TYPE NAME OF SIGNATOR(S)

NUMBER OF SIGNATURES NEEDED ON PAYROLL OR OTHER CHECK: _____

WHO IS AUTHORIZED TO SIGN CHECKS? _____

WHO IS THE IN-HOUSE BOOKKEEPER? _____

WHO IS THE ACCOUNTANT? _____

DOES THE BUSINESS HAVE A LINE OF CREDIT AT A LENDING INSTITUTION? _____

IF YES:

INSTITUTION _____ AMOUNT _____

IS THE BUSINESS BONDED? _____ IF YES: NAME OF BONDING COMPANY _____

LIMIT PER PROJECT _____ AGGREGATE AMOUNT _____

ADDITIONAL NOTES:

OPERATIONAL BACKGROUND

HOW LONG HAS YOUR BUSINESS BEEN AT THE PRESENT LOCATION? _____

IS OFFICE OR BUILDING OWNED? _____ LEASED? _____

WHO HOLDS MORTGAGE IF BEING PURCHASED? _____

IF LEASED, WHO IS LANDLORD? _____

DO ANY OTHER BUSINESSES SHARE THIS ADDRESS OR FACILITY? _____

IF YES, EXPLAIN:

DOES BUSINESS OWN/LEASE A WAREHOUSE OR EQUIPMENT YARD? _____

IF YES:

WHAT IS THE ADDRESS OF WAREHOUSE OR EQUIPMENT YARD?

WHERE IS EQUIPMENT LOCATED? _____

WHAT SPECIALITY SUPPLIES AND EQUIPMENT DO YOU USE IN YOUR BUSINESS?

DOES YOUR BUSINESS SHARE RESOURCES WITH ANY OTHER BUSINESS? (EMPLOYEES, EQUIPMENT, OFFICE SPACE, SHOP, EQUIPMENT YARD) _____

IF YES, PLEASE EXPLAIN:

IS EQUIPMENT INSURED? _____ IF YES, COMPANY? _____

DOES THE BUSINESS HAVE ACCOUNTS WITH EQUIPMENT RENTAL BUSINESS? _____

IF YES WHO?

PERSONNEL

HOW MANY FULL TIME EMPLOYEES WORK FOR THE BUSINESS? _____

HOW MANY PART TIME EMPLOYEES WORK FOR THE BUSINESS? _____

TYPES OF EMPLOYEES _____

MANAGEMENT

WHO SETS BUSINESS POLICY? _____

WHO MAKES FINANCIAL DECISIONS (SETTING SALARY, CUTTING COSTS, ETC.)?

WHO HIRES/FIRES EMPLOYEES? _____

WHO PREPARES ESTIMATES? _____

WHO SIGNS CONTRACTS? _____

WHO DECIDES ON EQUIPMENT PURCHASES? _____

WHO IS AUTHORIZED TO MAKE LOANS FOR THE BUSINESS? _____

WHO SIGNS LOAN AGREEMENTS? _____

WHO SUPERVISES OFFICE OPERATIONS? _____

WHO SUPERVISES FIELD OPERATIONS? _____

ADDITIONAL NOTES:

DESCRIBE THE DUTIES / RESPONSIBILITIES OF THE MINORITY/FEMALE OWNER:

NAME _____ TITLE _____

HOURS PER WEEK (with applicant business) _____

OTHER BUSINESS: _____ JOB TITLE (other business) _____

HOURS PER WEEK (other business) _____

DESCRIBE THE DUTIES / RESPONSIBILITIES OF THE MINORITY/FEMALE OWNER:

NAME _____ TITLE _____

HOURS PER WEEK (with applicant business) _____

OTHER BUSINESS: _____ JOB TITLE (other business) _____

HOURS PER WEEK (other business) _____

DESCRIBE THE DUTIES/RESPONSIBILITIES OF MANAGEMENT OR KEY PERSONNEL:

NAME _____ **TITLE** _____

HOURS PER WEEK (with applicant business) _____

OTHER BUSINESS: _____ **JOB TITLE (other business)** _____

HOURS PER WEEK (other business) _____

OPERATIONS

DO YOU MARKET YOUR BUSINESS? _____ **IF YES, WHERE OR HOW?**

**DESCRIBE PAST EXPERIENCE THE BUSINESS HAS IN THIS TYPE OF WORK.
(LIST PROJECTS)**

WHAT CONTRACTS IS THE BUSINESS IN THE PROCESS OF PERFORMING?

PROJECT NAME	AMOUNT	WORK PERFORMED	COMPLETION DATE
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DO YOU SUBCONTRACT ANY OF YOUR WORK? _____

IF YES TO WHOM:

WHAT IS THE NATURE OF THE SUBCONTRACTED WORK?

IS THE FIRM CAPABLE OF SELF-PERFORMING THE SUBCONTRACTED WORK?

IF YES, WHY DOES THE FIRM SUBCONTRACT THIS WORK OUT?

IF NO, WHY DOES THE FIRM BID ON WORK IT CANNOT PERFORM?

SUPPLIER INFORMATION

IS THE FRIM A SUPPLIER? _____ IF YES: INDICATE THE TYPE OF SUPPLIER:

REGULAR DEALER MANUFACTURER BROKER

INDICATE THE TYPES OF PRODUCTS SUPPLIED:

WHO ORDERS INVENTORY? _____

WHAT VENDORS ARE USED TO OBTAIN THE ITEMS YOU SUPPLY? _____

DOES BUSINESS MANUFACTURE ANY PRODUCTS? _____

IF YES WHICH PRODUCTS? _____

IF ELIGIBLE FOR DBE STATUS: AREAS OF WORK

CENTRAL _____ NORTHERN _____ SOUTHEAST _____ STATEWIDE _____

OUT OF STATE _____ (TYPICALLY, MARINE VESSEL WORK)

IF ELIGIBLE FOR DBE STATUS: GFE

(TO BE LISTED ON THE DBE DIRECTORY AS A REQUIRED "GOOD FAITH EFFORT"
CONTACT FOR PRIMES SOLICITING BIDS?)

YES _____ NO _____

CERTIFICATION VALIDATION INTERVIEW COMPLETED:

DATE: _____

BUSINESS OWNER(S) SIGNATURE: _____

CERTIFICATION OFFICER/SPECIALIST: _____

State of Alaska
Unified Certification Program

CERTIFICATION REVIEW & ON-SITE

Business Name: _____ Date/Time: _____

Location: _____

Phone: _____ Cell: _____ Fax: _____

Email: _____ Web Address: _____

Is Business Name Displayed? (Photos) Yes No _____

PARTICIPANTS AT THE INTERVIEW

NAME	TITLE	OWNER?
_____	_____	_____
_____	_____	_____
_____	_____	_____

OWNERSHIP INFORMATION

Specify the majority owner of the firm that hold **MORE THAN 51% or ownership interest** in your firm.

Name of Owner	% Ownership Interest	Gender/Ethnicity*
_____	_____	_____
_____	_____	_____

*Asian Pacific, Black, Hispanic, Native American, Subcontinent Asian, Other (Specify)

Identify all individuals, firms or holding companies that hold **LESS THAN 51% or more ownership interest** in your firm.

Name of Owner	Ownership Interest %	Gender/Ethnicity*
_____	_____	_____
_____	_____	_____

BUSINESS TYPE, SIZE, AND STRUCTURE (49CFR 26.65)

Type of Business Structure: (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> Sole Proprietorship | <input type="checkbox"/> Limited Liability Partnership |
| <input type="checkbox"/> Partnership | <input type="checkbox"/> Corporation |
| <input type="checkbox"/> Limited Liability Corporation | <input type="checkbox"/> Joint Venture (Identify all JV Partners 78 _____) |
| <input type="checkbox"/> ACDBE | <input type="checkbox"/> Other, Describe: _____ |

Have you applied for certification with any other agency? If you have, what was the result? _____

Have there been any changes to the business structure in the last 3 years? Are there any amendments or updated documents for the business? _____

Have you acquired ownership in any other business in the last 3 years? _____

What is the nature of the firm's business? _____

Has anything changed in the last three (3) years in your capacity or in the type of work performed? _____

CONTROL (49 CFR 26.71)

Who are the Officers of the company?

Title	Name	Gender/Ethnicity
President		
Vice President		
Treasurer		
Secretary		
Other: e.g. CEO, COO, CFO		

Chief Executive Officer (CEO), Chief Operation Officer (COO), Chief Financial Officer (CFO)

Who are the Board of Directors?

Title	Name	Gender/Ethnicity
Chairman/Chairperson		
And/or CEO, COO, CFO		

How often does the Board meet? _____

What constitutes a quorum to hold a meeting of the board? _____

How do you vote, (share or majority) to decide issues before the board? _____

Any changes in the last three (3) years? _____

Who does the hiring and firing of employees? When was the last time you hired or released an employee? _____

How many employees do you have?

Number of employees: Full-time _____ Part-time _____ Seasonal _____ Total: _____

(Please attach a list of employees, their job titles and dates of employment)

Explain how your past experiences enable you to run this business. _____

Are there any licenses required in order for your firm to conduct business in your industry? Yes No

If yes, please list all licenses required and indicate the name(s) of the owner(s) and/or employee(s) that holds all required Licenses.

Name	License Number	License Type	Expiration Date	LOB

What professional license is required for your business? _____

Does the disadvantaged owner(s) have experience and training in the field of the firm's primary business activity?

Yes No If yes, specify: _____

What percentage of the work day do you spend on activities related to this business? _____

What are the day to day activities of the principal (shareholder, other partner(s), manager(s) or employees? _____

What is the role of the owner(s) in the business? _____

Any changes in the management of the company? New managers? New duties? _____

How is the management decisions made when you are not available? Example? _____

Do you have any airport contracts at this time? Where are they located? _____

INDEPENDENCE (49 CFR 26.71)

Does your firm contract with another firm exclusively or primarily? Yes No

Does your firm involved in any contractual agreements with firms that would prevent the firm from doing business with other firms? Yes No If yes, explain _____

COMPANY INVENTORY

Equipment and Vehicles: Has any new equipment and vehicles been purchased in the last 3 years? _____

Office Space: Does the firm own or lease its office space? Own Lease

Office space size/rooms: _____

Office Equipment: Telephone Fax Computer Copier Answering Machine

Other: _____ Equipment identified with company logo? _____

Does the firm share office space with any other firms? Yes No If yes, Explain: _____

Storage/warehouse Space: Warehouse: _____ Storage Yard: _____

NAICS

Review the DBE/ACDBE directory profile including NAICS code(s) and work categories, and brief. Firms and recipients must check carefully to make sure that the NAICS codes cited in a certification are kept up-to-date and accurately reflect work which the UCP has determined the firm's owners can control.

(For any revisions, leave the work category paperwork for DBE/ACDBE to return to the Civil Rights Office.)

FINANCIAL (49 CFR 26.71)

Number of signatures needed on payroll or other check: _____

Who is authorized to sign checks? _____

Who is the in-house bookkeeper? _____

Does the business have a line of credit at a lending institution? _____

If yes, institution: _____ Amount: _____

Is the business bonded? _____

If yes, Name of the bonding company _____

Limit per project: _____ Aggregate amount: _____

Gross Receipts and Three Year Average:

	Business A		Business B		Total
2011	\$ -		\$ -		
2012	\$ -		\$ -		
2013	\$ -	_____	\$ -	_____	_____
Total	\$ - ÷ 3 =	<u>\$ -</u>	\$ - ÷ 3 =	<u>\$ -</u>	\$ -

DBE/ACDBE CERTIFICATION REVIEW & ON-SITE

I have represented my business at the on-site review conducted this date, and the statements I have given are true and correct to the best of my knowledge. I have been given the opportunity to make any changes that I believe to be necessary.

Business Owner Signature: _____ Date _____

Business Owner Signature: _____ Date _____

Certification Specialist/Officer Signature: _____ Date _____

ALASKA UNIFIED CERTIFICATION PROGRAM (AUCP)
Disadvantaged Business Enterprise (DBE)
Airport Concession Disadvantaged Business Enterprise (ACDBE)

Work Category Checklist

For each work category selected, please provide the following:

- Work Category List WC-1 and WC-2
- Alaska Unified Certification Program (AUCP) NAICS Code
- Appendix A and B [Required for On-site Representative(s)]
- Copy of two (2) contracts
- Copy of Professional License (if applicable)
- Qualification statement (work history, training, license, etc.)

The DBE owner(s) must provide detailed description and supporting documentation that accurately reflect the type(s) of work which he/she can control.

WORK CATEGORY LIST**CONSTRUCTION**

- Aggregate Crushing
- Armor Mat
- Asphalt Paving – Bike Paths
- Asphalt Paving – Parking Lots/Patching/Crack Repair
- Asphalt Paving – Pavement Grooving
- Asphalt Paving – Roadways
- Asphalt Paving – Rotomilling
- Bridges – Painting/Sandblasting/Sealants
- Camp Facilities
- Campground/Roadside/Trail Appurtenances
- Carpentry – Finish
- Carpentry – Rough/Framing
- Clearing (Manual)
- Clearing/Grubbing (Mechanical)
- Concrete – Cast-In-Place
- Concrete – Curb/Gutter/Sidewalk
- Concrete – Cutting/Coring/Sawing
- Concrete – Finishing/Special Coatings
- Concrete – Foundations/Slabs
- Concrete – Masonry/Stonework
- Concrete – Paving
- Demolition of Structures
- Earthwork – Blasting
- Earthwork – Excavation & Embankment
- Earthwork – Site Work
- Electrical – Airport Lighting
- Electrical – Buildings
- Electrical – Highway Signals & Illumination
- Electrical – Overhead/Underground Power
- Erosion, Pollution, & Sediment Control
- Exterior Buildings – Painting/Sandblasting/Sealants
- Exterior Buildings – Roofing
- Fencing
- Flooring
- Glass/Glazing
- Guardrail
- Hazardous Material Removal/Remediation
- Hydroseeding
- Interior Finishing – Insulation
- Interior Finishing – Paint/Wallpaper/Tile
- Interior Finishing – Sheetrock/Drywall Installation
- Interior Finishing – Tape/Texture
- Landscaping
- Marine Docks
- Mechanical – HVAC
- Metal Buildings Erection
- Mobilization/Demobilization
- Piledriving
- Plumbing
- Rip Rap
- Standard Highway Signs (Permanent Installation)
- Steel Erection – Bridges
- Steel Erection – Buildings

CONSTRUCTION (continued)

- Steel Reinforcement/Installation
- Surveying – Licensed
- Surveying – Unlicensed
- Telecommunications – Line Voltage
- Telecommunications – Low Voltage
- Traffic Maintenance
- Traffic Markings – Methylmethacrylate
- Traffic Markings – Painted
- Traffic Markings – Thermoplastic
- Transportation – Aircraft
- Transportation – Barge
- Transportation – Truck (5% DBE credit)
- Transportation – Truck (100% DBE credit)
- Underground – Petroleum/Oil/Lubricant
- Underground – Sewer/Water Line Installation

CONSULTANTS

- Architect
- Business Services
- Civil Engineer
- Construction Administration – Office Engineering Services
- Construction Administration – Inspection Services
- Construction Administration – Materials Testing
- Cost Estimations
- Drafting & Reprographic Services
- Economic Analysis
- Electrical Engineer
- Environmental
- Geotechnical Engineer
- Graphics
- Hazardous Materials Investigation/Remediation
- Hazardous Materials Testing
- Interior Design
- Landscape Architect
- Landscape Planning & Design
- Maintenance Management Systems (Computerized)
- Mapping Mechanical
- Engineer
- Permitting
- Photogrammetry
- Public Involvement
- Project Management/Administration
- ROW – Acquisition & Negotiation
- ROW - Appraiser
- SWPPP (Storm Water Pollution Prevention Plan)
- Transportation Planning

OTHER

- Non-Construction Consultant _____
- Non-Construction Contractor _____
- Non-Construction Supplier _____

WORK CATEGORY LIST**MARINE VESSELS**

- Cash Register Systems
- Commercial Equipment
- Communication Systems
- Computer Systems
- Deck Coverings
- Electrical Systems
- Elevators
- Fire Safety Systems
- Flooring
- Furnishings
- Hazardous Materials Removal/Remediation
- Hazardous Materials Testing
- Hydraulics
- Insulation
- Interior Design
- Joiner Systems
- Marine Engineer
- Mechanical Systems
- Naval Architect
- Painting
- Public Announcement Systems
- Refrigeration Equipment
- Special Coatings

CONCESSIONS

- Advertising
- Apparel & Accessory Stores
- Automotive Parking Lots
- Automotive Rental Agencies
- Automotive Services
- Banks
- Barber Shops or Beauty Shops
- Book Stores
- Camera & Photographic Supply Stores
- Coin-Operated Lockers
- Drinking Places (Alcoholic Beverages)
- Drug & Proprietary Stores
- Eating Places
- Florists
- Food Stores
- General Merchandise Stores
- Gift, Novelty & Souvenir Shops
- Home Furniture, Furnishings & Equipment Stores
- Insurance Machines
- Jewelry Stores
- Liquor Stores
- Luggage Cart Rentals
- Luggage & Leather Goods Stores
- Miscellaneous Retail Stores

CONCESSIONS (continued)

- News Dealers & News Stands
- Pay Telephones
- Personal Services
- Tobacco Stores & Stands
- Travel Agencies
- Vending Machines

SUPPLIERS

- Additives
- Aggregates
- Asphalt
- Barricades/Devices
- Coatings/Sealants
- Concrete - Precast
- Concrete - Ready Mix
- Corrugated Pipe/Accessories
- Doors/Windows
- Electrical
- Equipment Rental - Buildings/ATCO Units
- Equipment Rental - Heavy Equipment
- Equipment Rental - Light Duty Vehicles
- Erosion Control Materials - RipRap
- Erosion Control Materials - Armor Mat
- Explosives
- Fencing
- Geotextile Materials
- Guardrail
- Insulated Utility Pipe
- Insulation - Buildings
- Insulation - Roadways
- Insulation - Utilities
- Iron Products
- Jersey Barriers
- Landscaping
- Lumber
- Masonry
- Mechanical
- Metal Buildings
- Millwork
- Pavement Markings - Thermoplastic/Paint
- Plumbing
- Roofing
- Siding
- Signs - Permanent/Temporary
- Steel
- Telecommunications (Fiber Optics/Controls/Electronics)
- Timber/Beams/Logs
- Traffic Signals and Lighting

Attachment IV

Prompt Payment Standard Modifications

1. Section 101 – Definitions and Terms
 2. Section 108 – Prosecution and Progress
 3. Section 109 – Measurement and Payment
 4. Section 618 – Seeding
-

SECTION 101
DEFINITIONS AND TERMS

101-1.03 DEFINITIONS.

Insert the following definition after RESPONSIVE BID:

RETAINAGE. A percentage of a payment established in advance under a contract or subcontract to be withheld from a progress payment due on the contract or subcontract. Payment or a percentage of payment withheld for unsatisfactory performance is not retainage.

CHANGE HIGHWAY SPECIFICATION

**STANDARD MODIFICATION
E 57**

10/15/07

SECTION 108

PROSECUTION AND PROGRESS

108-1.01 SUBLETTING OF CONTRACT. Delete paragraph one and replace with the following:
The Contractor shall submit a Contractor Self Certification for Subcontractors and Lower Tier Subcontractors, Form 25D-042, before the Contractor or any subcontractor sublets, sells, transfers, assigns, or otherwise disposes of the Contract or any portion of the Contract. The Department has authority to review subcontracts and to deny permission to sublet work. The Department may penalize the Contractor for false statements or omissions made in connection with Form 25D-042.

Delete paragraph four and replace with the following:

1. The Contractor shall ensure that for all subcontracts (agreements):
 - a. The Department is furnished with one completed Contractor Self certification, Form 25D-042, for each subcontract;
 - b. The subcontractors have submitted a Bidder Registration, Form 25D-6;
 - c. The required prompt payment provisions of AS 36.90.210, as well as other items listed in Form 25D-042, are included in the subcontracts;
 - d. The subcontractors pay current prevailing rate of wages as per Subsection 107-1.04 and file certified payrolls with the Engineer and DOLWD for all work performed on the project; and
 - e. Upon receipt of a request for more information regarding subcontracts, the requested information is provided to the Department within 5 calendar days.

SECTION 80

PROSECUTION AND PROGRESS

80-01 SUBLETTING OF CONTRACT. *Delete paragraph one and replace with the following:*

The Contractor shall submit a Contractor Self Certification for Subcontractors and Lower Tier Subcontractors, Form 25D-042, before the Contractor or any subcontractor sublets, sells, transfers, assigns, or otherwise disposes of the Contract or any portion of the Contract. The Department has authority to review subcontracts and to deny permission to sublet work. The Department may penalize the Contractor for false statements or omissions made in connection with Form 25D-042.

Delete paragraph four and replace with the following:

a. Submittals. The Contractor shall ensure that for all subcontracts (agreements):

- (1) The Department is furnished with one completed Contractor Self certification, Form 25D-042, for each subcontract;
- (2) The subcontractors have submitted a Bidder Registration, Form 25D-6;
- (3) The required prompt payment provisions of AS 36.90.210, as well as other items listed in Form 25D-042, are included in the subcontracts;
- (4) The subcontractors pay current prevailing rate of wages as per Subsection 107-1.04 and file certified payrolls with the Engineer and DOLWD for all work performed on the project; and
- (5) Upon receipt of a request for more information regarding subcontracts, the requested information is provided to the Department within 5 calendar days.

SECTION 109

MEASUREMENT AND PAYMENT

Delete Subsection 109-1.06 in its entirety and replace with the following:

109-1.06 PROGRESS PAYMENTS. The Department will make monthly progress payments to the Contractor based on estimates of the value of work performed and materials on hand under Subsection 109-1.07. At the Department's discretion, a progress payment may be made twice monthly if the value of the estimate exceeds \$10,000.

Contractor's failure to pay subcontractors, or subcontractor's failure to pay lower tier subcontractors, according to prompt payment provisions required under Subsection 108-1.01 is considered unsatisfactory performance.

The Department will not withhold payment as retainage but may withhold payment for unsatisfactory performance. If satisfactory progress is being made and subcontractors are paid according to Subsection 108-1.01 and AS 36.90.210, the Engineer will authorize 100 percent payment for the estimated value of work accomplished, less any authorized deductions.

If the Engineer finds that satisfactory progress is not being made or payment for satisfactory work by a subcontractor or lower tier subcontractor is not paid according to Subsection 108-1.01, the Engineer may withhold up to 100 percent of the total amount earned from subsequent progress payments. The Engineer may withhold up to 200 percent of the estimated cost to complete final punch list items for unsatisfactory performance until those items are complete. The Engineer will notify the Contractor in writing within eight (8) working days of a request for a progress payment of the reasons why part or all of the payment is being withheld for unsatisfactory performance and what actions may be taken by the Contractor to receive full payment.

Payments of withheld amounts will be made in accordance with AS 36.90.200. No interest will be paid to the Contractor for amounts withheld for unsatisfactory performance except if the Department fails to pay the amount withheld within twenty one (21) calendar days after the Contractor satisfactorily completes the remedial actions identified by the Engineer, as provided in AS 36.90.200(e).

The Contractor shall pay interest on retainage withheld from subcontractors, and at an interest rate according to AS 36.90.250 and AS 45.45.010(a).

SECTION 618

SEEDING

618-3.01 SOIL PREPARATION. Delete the fourth paragraph and replace with the following:

Roughen the surface to be seeded by grooving the soil in a uniform pattern that is perpendicular to the fall of the slope. Use one or more of the following grooving methods prior to the application of seed:

1. Manual raking with landscaping rakes;
2. Mechanical track walking with track equipment; or
3. Mechanical raking with a scarifying slope board. Form one inch wide grooves spaced no more than six inches apart.

You may round the top and bottom of slopes to facilitate tracking or raking and to create a pleasant appearance, but you may not disrupt drainage flow lines.

618-3.02 SEEDING SEASONS. Add the following: Seed disturbed areas that require seeding within fourteen days of the permanent cessation of ground-disturbing activities in that area.

Seed between May 15 and August 15, or obtain written approval from the Engineer to seed at a different date.

618-3.03 APPLICATION. Delete first three sentences and replace with: Apply seed mix, fertilizer, and mulch (if required) at the rate specified in the Special Provisions. If no seed mix, seed mix application rate, or fertilizer rate are specified in the special provisions, use the recommendations of the Alaska Department of Natural Resources (ADNR) and the Revegetation Manual for Alaska.

Do not seed areas of bedrock, plant beds, and areas indicated on the plans as "no seeding".

Water and fertilizer required for application are subsidiary to the Seeding bid item.

Delete Subsection 618-3.04 in its entirety, and add the following new subsections:

618-3.04 MAINTENANCE AND WATERING. Protect seeded areas against traffic by approved warning signs or barricades. Repair surfaces gullied or otherwise damaged following seeding. Maintain seeded areas in a satisfactory condition until final acceptance of work.

Water and maintain seeded areas. Water applied by this Subsection is a paid contract item. If, in the opinion of the Engineer, too much water is being applied, reduce amount of water as directed.

Reseed areas not showing evidence of satisfactory growth within 3 weeks of seeding. Bare patches of soil more than 10 square feet in area must be reseeded. Erosion gullies over 4 inches deep must be filled and reseeded. Fill the entire erosion gully to surrounding grade, even the portions less than 4 inch deep.

Contact ADNR for advice or corrective measures, when seeded areas are not showing evidence of satisfactory growth. You are responsible for retracking, reseeding, refertilizing and remulching areas that do not show satisfactory growth, and those actions are subsidiary.

618-3.05 ACCEPTANCE. The Engineer will perform a visual inspection of seeding to determine final stabilization. During the visual inspection each station and each side of the road will be considered a separate area. The Engineer will accept seeding that has become a vegetative mat with 70% cover density in the inspection area.

Reseed areas that are not acceptable to the Engineer.

618-3.06 PERIOD OF ESTABLISHMENT.

Establishment periods extend for one complete growing season following acceptable seeding. Employ all possible means to preserve the new vegetative matt in a healthy and vigorous condition to ensure successful establishment. Reseed areas that do not meet the specifications. Watering and reseeding after the final inspection are subsidiary.

The Engineer may, but is not required to, determine the Project is complete except for the period of establishment, and issue a letter of final acceptance. After final acceptance, work or materials due under this subsection during any remaining period of establishment are considered warranty obligations that continue to be due following final acceptance in accordance with Subsection 105-1.16.

618-4.01 METHOD OF MEASUREMENT.

After Seeding by the Pound. delete text and replace with: By the weight of dry seed acceptably seeded and maintained.

618-5.01 BASIS OF PAYMENT. Delete paragraphs beginning: "Seeding by the Acre" and "Seeding by the Pound" and replace with:

Seeding by the Acre. Payment is for established vegetative matt. Soil preparation, fertilizer, and water required for hydraulic method are subsidiary.

Seeding by the Pound. Payment is for established vegetative matt. Soil preparation, fertilizer, and water required for hydraulic method are subsidiary.

Add new pay description:

Water for Seeding. Water applied for growth of vegetative matt. Water for hydraulic seeding, fertilizing or mulching is subsidiary. Water after project completion is subsidiary.

Attachment V

Section 120 Specification

Plan Holder Self Registration List Guide

Good Faith Effort SOP

Project Goal Setting

Form 25A-336 – Prompt Payment & Instructions

Form 25D-6 – Bidder Registration

Form 25A-298 Commercially Useful Function (CUF) Monitoring Report

Add the following:

**SECTION 120
DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM**

120-1.01 DESCRIPTION. The work consists of providing Disadvantaged Business Enterprises (DBEs), as defined in Title 49 CFR Part 26, the opportunity to participate fairly with other contractors in the performance of contracts financed with federal funds. The Contractor and subcontractors shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The Contractor will carry out applicable requirements of 49 CFR Part 26 in the award and administration of U.S. DOT assisted contracts.

120-1.02 INTERPRETATION. This section implements the requirements of 49 CFR Part 26, and the Department's federally approved DBE Program.

120-1.03 ESSENTIAL CONTRACT PROVISION. Failure to comply with the provisions of this section is a material breach of contract, which may result in contract termination or other remedy as DOT&PF deems appropriate. Failure to comply with this section is justification for debarment action as provided in AS 36.30.640(4).

120-1.04 DEFINITIONS AND TERMS.

1. **Administrative Reconsideration.** A process by which the low bidder may request reconsideration when the Department determines the Good Faith Effort (GFE) requirements have not been met.
2. **Broker.** A certified DBE for the delivery of creditable materials, supplies, equipment, transportation/hauling, insurance, bonding, etc., within its certified category, that is necessary to complete the project. A broker of materials certified in a supply category must be responsible for scheduling the delivery of materials and ensuring that the materials meet specifications before credit will be given.
3. **Civil Rights Office.** The Department's Civil Rights Office. (CRO)
4. **Commercially Useful Function.** DBE performs a commercially useful function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. The DBE must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material, and installing (where applicable) and paying for the material itself.
5. **Contract Compliance Officer.** Individual within the CRO with the authority to administer the Department's compliance programs.
6. **Disadvantage Business Enterprise.** A Disadvantaged Business Enterprise (DBE) which is a for-profit small business concern that is certified in accordance with 49 CFR Part 26 and listed in the Alaska DBE Directory.
7. **DBE Key Employee.** Permanent employees identified by the DBE owner in its certification file in the CRO.
8. **DBE On-Site Representative.** On-site representatives approved by the DBE owner and the CRO to represent a DBE owner. These representatives have a technical knowledge and the ability to answer questions regarding the work being performed on a project.
9. **DBE Utilization Goal.** The percent of work to be performed by certified DBEs. The goal is established by the Department and specified in the contract.

10. **Manufacturer.** A DBE certified in a supply category that changes the shape, form, or composition of original material in some way. The DBE must provide that altered material to the general public or the construction industry at large on a regular basis.
11. **Plan Holder Self-Registration List (PHSRL).** The PHSRL is the CRO's online portal that allows contractors, DBEs and SBEs to self-register as an interested contractor to bid.
12. **Race Conscious Participation.** DBE participation used to meet a specified DBE Utilization Goal.
13. **Race Neutral Participation.** DBE participation that is in excess of the specified DBE Utilization Goal or participation that does not count towards this goal.
14. **Regular Dealer.** A DBE certified in a supply category who operates in a manner consistent with industry practice and who:
 - a. maintains an in-house inventory on a regular basis of the particular product provided to this project; and
 - b. keeps an inventory in an amount appropriate for the type of work using that product; and
 - c. offers that inventory for sale to the general public or construction industry at large (private and public sectors), not just supplied as needed on a project by project basis during the construction season, except where the product requires special or heavy equipment for delivery and the DBE possesses and operates this equipment on a regular basis throughout the construction season in order to deliver the product to the general public or construction industry at large. If the distribution equipment is rented or leased, it must be on a repetitive, seasonal basis; and may additionally fabricate (assemble large components) for use on a construction project, consistent with standard industry practice, for delivery to the project.
 - d. a person may be a regular dealer in such bulk items as petroleum products, steel, cement, gravel, stone, or asphalt without owning, operating, or maintaining a place of business, if the person both owns and operates distribution equipment for the products. Any supplementing of regular dealers' own distribution equipment shall be by a long-term lease agreement and not on an ad hoc or contract-by-contract basis.
15. **Small Business Enterprise (SBE).** The SBE Program is part of the federal Disadvantaged Business Enterprise (DBE) Program and is required by 49 Code of Federal Regulation Part 26.39. The intent of the SBE Program is to increase race-neutral DBE participation and small business utilization in general.

120-2.01 MEETING THE DBE UTILIZATION GOAL. A DBE's proposed work may be used to demonstrate the successful bidder's ability to meet the DBE Utilization Goal before Contract award. The DBE must be certified in a category covering the Commercially Useful Function to be performed at the time of listing on Form 25A-325C (DBE Utilization Report).

A bidder may meet the DBE Utilization Goal through:

- a. The participation of certified DBE firms. Mandatory and Voluntary Contacts and Interested DBE firms will be listed on the PHSRL.
- b. Documentation of required GFE (Subsection 120-3.01).
- c. A combination of participation and GFE to be eligible for contract award.

DBE participation on contingent sum items will count as race-neutral DBE Participation and not towards fulfilling a minimum DBE Utilization Goal.

120-3.01 DETERMINATION OF COMPLIANCE.

1. **Phase I-Bid.** All DBE GFEs must be completed prior to bid opening.
2. **Phase II-Award.** The apparent low bidder shall submit evidence of DBE commitment(s) within five working days after receipt of written notification by the Department of the successful low bid. The apparent low bidder may not supplement its DBE efforts after opening, nor offer new or additional DBE participation after submitting the DBE Utilization Report (Form 25A-325C).
 - a. **Written DBE Commitment.** Complete Form 25A-326 for each DBE subcontractor.
 - b. **DBE Utilization Report.** Submit a completed DBE Utilization Report Form 25A-325C. All listed DBEs must be certified in the appropriate work categories prior to bid opening to be used to meet the DBE contract goal.
 - c. **GFE Documentation.** Submit a completed Summary of Good Faith Effort Documentation Form 25A-332A (with attachments) and Contact Report Form 25A-321A if the DBE Utilization Goal is not met on Form 25A-325C.

If the bidder cannot meet the DBE Utilization Goal, and cannot document the minimum required GFE (as specified below), the Contracting Officer will determine the bidder to be not responsible.

120-3.02 GOOD FAITH EFFORT (GFE).

1. If the apparent low bidder is unable to meet the DBE Utilization goal, that bidder must demonstrate, through detailed and comprehensive documentation, that GFE have been made to solicit, assist, and use DBE firms to meet the DBE Utilization goal prior to the bid. The bidder cannot change its bid proposal after submission

Failure to demonstrate good faith efforts to the satisfaction of Department will result in the rejection of the bid. Bidders are encouraged to review Appendix A of 49 CFR Part 26.

- a. **Appendix A to 49 CFR Part 26.** To demonstrate successful GFE, the bidder must show that it took all necessary and reasonable steps to achieve a DBE goal which, by their scope, intensity, and appropriateness to the objective, could reasonably be expected to obtain sufficient DBE participation, even if they were not fully successful. The efforts employed by the bidder should be those that one could reasonably expect a bidder to take if the bidder were actively and aggressively trying to obtain DBE participation sufficient to meet the DBE contract goal. Mere *pro forma* efforts are not GFE to meet the DBE contract requirements.
- b. **Initial DBE Notification.** All DBEs that are interested and listed in the Department's Plan Holders Self-Registration List for the particular project being bid must be contacted at least seven calendar days prior to bid opening. If the bidder is not able to meet the DBE project goal by contacting DBEs listed in the Department's Plan Holder's Self-Registration List for the particular project being bid, then the bidder should also contact other DBE firms. Each contact with a DBE firm must be logged on a Contact Report, Form 25A-321A.

The bidder must give DBEs at least five calendar days to quote. The bidder may reject DBE quotes received after the deadline. Deadline for quote submission and responsiveness determinations for DBEs and non-DBEs must be consistently applied.

Acceptable methods of DBE notifications are:

- 1) By fax with a confirmation receipt of successful transmission to the DBE's fax number listed in the DBE Directory. A fax transmission without receipt of successful transmission is unsatisfactory.
- 2) By email with confirmation of successful receipt to the DBE's email address listed in the DBE Directory. Email without confirmation of successful receipt is unsatisfactory.

- 3) By telephone solicitation with a record of the date and time of the telephone call made to the DBE's telephone number listed in the DBE Directory. Telephone solicitation without a record of date and time is unsatisfactory.
- 4) By publication with the names and dates of each publication in which a request for DBE participation for this project was placed. The bidder is asked to attach copies of advertisements or proof of publication

c. Assistance to DBEs.

- 1) Bidders should make efforts to assist interested DBEs in obtaining bonding, lines of credit, insurance, and any technical assistance or information related to the plans, specifications and requirements for the work that was provided to DBEs.
- 2) Bidders should make efforts to assist interested DBEs in obtaining necessary equipment, supplies, material, and related assistance or services.
- 3) Bidders should provide interested DBEs with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation and assist with any questions asked by a DBE.

d. Additional methods of DBE notification:

- 1) Identify all potential work items, which are not part of the "primary work operation" and could potentially be subcontracted to DBEs. Select portions of the work to be performed by DBEs in order to increase the likelihood that the DBE goals will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate DBE participation, even when the prime contractor might otherwise prefer to perform these work items with its own forces. For work types that are not conducive to subcontracting, consideration is to be given for materials manufacturing, supply, brokerage, and trucking opportunities.
- 2) Verify the Alaska Unified Certification Program (AUCP) Directory to identify all DBEs who perform the types of work which could be subcontracted, as well as the materials that could be manufactured, supplied, or provided via brokerage, and for trucking firms.
- 3) Solicit the above identified DBEs by ... "all reasonable and available means ... (e.g. attendance at pre-bid meetings, written correspondence, phone calls)" (49 CFR §26, Appendix A-IV.A). Second follow up attempts (if no initial response) by different medias of communication will be necessary to document and confirm DBE interest in participation.
- 4) Bidders should effectively use the services of available minority/women community organizations, local, state, and Federal minority/women business assistance offices; and other organizations as allowed on a case-by-case basis to provide assistance in the recruitment and placement of DBEs. All outreach efforts (including participation at pre-bid meetings or industry-sponsored DBE targeted outreach meetings) can be documented as part of good faith efforts.
- 5) Soliciting through all reasonable and available means (e.g., attendance at pre-bid meetings ... solicitation letters, phone calls, email, and faxes) ... the interest of all certified DBEs who have the capability to perform the work of the contract. The bidder must solicit this interest within sufficient time to allow the DBEs to respond to the solicitation. The bidder must determine with certainty if the DBEs are interested by taking appropriate steps to follow up initial solicitation and document the results. Reasonable attempts by the bidder to solicit quotes from DBEs shall include the use of a least two different communication media to contact each DBE by at least two separate attempts.

- e. **Follow-up DBE Notifications.** If there is no response from the initial DBE notification, you must contact the DBE(s) again to determine if they will be quoting. For acceptable forms of notification and required documentation see 120-3.02, subsection 1.b items 1 through 4.

Failure to submit a quote by the deadline is evidence of the DBE's lack of interest in bidding. Documentation of follow-up contacts shall be logged on the Contact Report, Form 25A-321A.

- f. **GFE Evaluation.** Subsections (a) through (e) must be completed for a GFE based submission to be considered. Failure to perform and document actions contained in subsections (a) through (e) constitutes insufficient GFE. After submitting a GFE, bidders may only clarify efforts taken before opening. No new efforts or additional DBE participation is permitted after opening.
2. **Administrative Reconsideration.** 49 CFR 26.53(d) provides an opportunity for administrative reconsideration when the Department determines that GFE is insufficient. This opportunity must be exercised within three working days of notification that GFEs were unsatisfactory. For reconsideration, the bidder must provide written documentation or argument concerning efforts to meet the DBE Utilization Goal. No new or additional contact information may be provided. Only contact information the bidder provided in support of its initial request for a GFE determination by the CRO may be presented to support the request for administrative reconsideration.

The process for an Administrative Reconsideration is as follows:

- a. The bidder will have the opportunity to meet with the DBE Liaison Officer in person to discuss the issue. If so desired, the bidder must be ready to meet with the DBE Liaison Officer within four working days of receipt of notice that it failed to meet the requirements of this subsection.
- b. The DBE Liaison Officer will render a written decision and provide notification to the bidder within four working days after the meeting. The written decision will explain the basis for finding.
- c. The finding of the DBE Liaison Officer cannot be appealed to the U.S. DOT.

120-3.03 DBE CREDITABLE AND NON CREDITABLE WORK.

1. **DBE Creditable Work.** The Commercially Useful Function work items and creditable dollar amounts shown on the DBE Utilization Report, Form 25A-325C, shall be included in any subcontract, purchase order or service agreement with that DBE.
2. **DBE Decertification.**
 - a. If a DBE performing a Commercially Useful Function loses its DBE certification at any time prior to execution of a subcontract, purchase order or service agreement, as the result of a determination of ineligibility pursuant to 49 CFR Part 26.87, the work of that firm will not be credited toward the DBE Utilization Goal and the Contractor must either:
 - (1) meet the contract goal by subcontracting with an eligible DBE firm or demonstrate a GFE to do so; or
 - (2) continue with the decertified DBE and find other work not already committed to DBEs in an amount that meets or exceeds the DBE Utilization Goal.
 - b. If a DBE performing a Commercially Useful Function loses its DBE certification after execution of a subcontract, purchase order or service agreement, as the result of a determination of ineligibility pursuant to 49 CFR Part 26.87, the de-certified DBE may continue to perform, and the work may be credited toward the DBE Utilization Goal.
 - c. If a DBE goes out of business and cannot perform the work, the Contractor must meet the contract goal by subcontracting with an eligible DBE Firm or demonstrate a GFE to do so.

The provisions of 120-3.03(3) Termination of a DBE and 120-3.03(4) DBE Replacement or Substitution do not apply to this section.

A Contractor must notify the CRO within one business day if they become aware of any change in a DBE's circumstances that might lead to a DBE's decertification.

3. Termination of a DBE.

- a. In accordance with 49 CFR 26.53(f)(1) the Contractor shall not terminate a DBE without good cause and the prior written consent of the Engineer. For purposes of this paragraph, good cause includes the following circumstances:
- (1) DBE defaults on their obligation for any reason;
 - (2) The DBE fails or refuses to perform the work of its subcontract in a way consistent with normal industry standards. Provided, however, that good cause does not exist if the failure or refusal of the DBE to perform its work on the subcontract results from the bad faith or discriminatory action of the Contractor.
 - (3) The DBE fails or refuses to meet the Contractor's reasonable, nondiscriminatory bond requirements;
 - (4) The DBE becomes bankrupt, insolvent, or exhibits credit unworthiness;
 - (5) The DBE is ineligible to work on public works projects because of suspension and debarment proceedings pursuant 2 CFR Parts 180, 215, and 1,200 or applicable state law;
 - (6) The Engineer determines that the DBE is not a responsible contractor.
 - (7) The DBE voluntarily withdraws from the project and provides a written notice of its withdrawal;
 - (8) The DBE is ineligible to receive DBE credit for the type of work required;
 - (9) A DBE owner dies or becomes disabled with the result that the DBE is unable to complete its work; or
 - (10) Other documented good cause that the Engineer determines, compels the termination of the DBE, provided that good cause does not exist if the Contractor seeks to terminate a DBE it relied upon to obtain the contract so that the Contractor can self- perform the work for which the DBE was engaged or so that the Contractor can substitute another DBE or non-DBE after contract award.
- b. The Contractor must give written notice to the DBE of its intent to request to terminate and/or substitute, and the reason for the request. The request to terminate and/or substitute must be submitted to the Engineer.
- c. The Contractor must give the DBE five working days to respond to the written notice. Any response from the DBE must be submitted to the Engineer.
- d. DBEs that are terminated must be replaced or substituted in accordance with 120-3.03(4).

4. DBE Replacement or Substitution.

- a. The Contractor shall submit to the Engineer a written request to replace or substitute a DBE who fails or refuses to execute a written subcontract or who is terminated under 120-3.03(3). If approved, the Contractor shall, at a minimum, replace or substitute the DBE with another eligible DBE for the same work in order to fulfill its commitment under the DBE Utilization Goal.

- b. If the Contractor cannot obtain replacement DBE participation, the DBE Utilization Goal will not be adjusted. However, the Engineer may consider the following criteria as satisfying that portion of DBE participation that cannot be replaced.
 - (1) The Contractor was not at fault or negligent and that the circumstances surrounding the replacement or substitution were beyond the control of the Contractor; and
 - (2) The Contractor is unable to find replacement DBE participation at the same level of DBE commitment and has adequately performed and documented the GFE expended in accordance with Subsection 120-3.02; or
 - (3) It is too late in the project to provide any real subcontracting opportunities for DBEs.

If the Engineer agrees that additional DBE participation is not available, the DBE may be replaced or substituted with a non-DBE or the Contractor may self-perform the work.

120-3.04 COMMERCIALY USEFUL FUNCTION.

- 1. **Creditable Work.** Measuring the DBE Utilization Goal will be based upon the actual dollars paid to the DBEs for creditable Commercially Useful Function work on this project. This is determined by the Engineer in accordance with this Section.

Commercially Useful Function is limited to:

- a. Prime Contractors;
 - b. Subcontractors;
 - c. Manufacturers;
 - d. Regular Dealers;
 - e. Brokers; or
 - f. Joint Ventures
- 2. **Determination of Commercially Useful Function.** In order for the Commercially Useful Function work of the DBE to be credited toward the goal, the Contractor will ensure that the DBE is certified in the appropriate category at the time of the submittal of the subcontract, or the issuance of a purchase order or service agreement. Subcontracts, purchase orders and service agreements shall be consistent with the written DBE commitment.
 - a. The Commercially Useful Function performed by a DBE certified in a supply category will be evaluated by the Engineer to determine whether the DBE performed as either a broker, regular dealer, or manufacturer of the product provided to this project.
 - b. The following factors will be used in determining whether a DBE trucking company is performing a Commercially Useful Function:
 - (1) The DBE must be responsible for the management and supervision of the entire trucking operation for which it is performing on a particular contract, and there cannot be a contrived arrangement for the purpose of meeting DBE goals.
 - (2) The DBE must itself own and operate at least one fully licensed, insured, and operational truck used on the contract.
 - (3) The DBE receives credit for the total value of the transportation services it provides on the contract using trucks it owns or leases, insures, and operates using drivers it employs. If the

truck is leased it can be leased from a non-DBE, but not from the Prime contractor.

- c. The Contractor will receive credit for the Commercially Useful Function performed by DBEs as provided in this Section. Contractors are encouraged to contact the Engineer in advance of the execution of the DBE's work or provision of goods or services regarding Commercially Useful Function and potential DBE credit.
- d. The DBE may perform work in categories for which it is not certified, but only work performed in the DBE's certified category meeting the Commercially Useful Function criteria may be credited toward the DBE Utilization Goal.
- e. DBE work shall conform to the following requirements to be a Commercially Useful Function:
 - (1) It will be necessary and useful work required for the execution of the Contract.
 - (2) The scope of work will be distinct and identifiable with specific contract items of work, bonding, or insurance requirement.
 - (3) It will be performed, controlled, managed, and supervised by employees normally employed by and under the control of the certified DBE. The work will be performed with the DBE's own equipment. Either the DBE owner or DBE On-Site Representative will be at the work site and responsible for the work. Leased equipment may also be used provided the DBE has exclusive use of the equipment and it is operated by a driver the DBE employs. In remote locations or rare situations, a DBE may use equipment and/or personnel from the Contractor or its affiliates. Should this situation arise, a prior arrangement must be in place. The duration of the arrangement must be short term and prior written approval from the Engineer must be obtained.
 - (4) The manner in which the work is sublet or performed will conform to standard industry practice within Alaska, as determined by the Department. The work or provision of goods or services will have a market outside of the DBE program (and must also be performed by non-DBE firms within the Alaskan construction industry). Otherwise, the work or service will be deemed an unnecessary step in the contracting or purchasing process and no DBE credit will be allowed.

There will be no DBE credit for lower-tier non-DBE subcontract work.

- (5) The cost of the goods and services will be reasonable and competitive with the cost of goods and services outside the DBE program within Alaska. Materials or supplies needed as a regular course of the Contractor's operations such as fuel, maintenance, office facilities, portable bathrooms, etc. are not creditable.

The cost of materials actually incorporated into the project by a DBE subcontractor is creditable toward the DBE goal only if the DBE is responsible for ordering and scheduling their delivery and fully responsible for ensuring that they meet specifications. The cost of materials purchased from the contractor or its affiliates is not creditable.
- (6) Subcontract work, with the exception of truck hauling, shall be sublet by the same unit of measure as is contained in the Bid Schedule unless approved in advance by the Engineer.
- (7) The DBE will control all business administration, accounting, billing and payment transactions. The Contractor cannot perform these functions for the DBE.

In accordance with AS 36.30.420(b), the Engineer may inspect the offices of the DBE and audit their records to assure compliance.

3. **Rebuttal of a Finding of No Commercially Useful Function.** Consistent with the provisions of 49 CFR Part 26.55(c)(4)&(5), before the Engineer makes a final finding that no Commercially Useful Function has been performed by a DBE, the Engineer will coordinate transmittal of the presumptive finding to the Contractor, who will in-turn, notify the DBE. The Contractor will provide the DBE the opportunity to provide rebuttal information. The Contractor shall present the information to the Engineer.

The Engineer will make a final determination on whether the DBE is performing a Commercially Useful Function. Under no circumstances will the Contractor take any action with respect to the DBE until the final determination is made. The Engineer's decisions on Commercially Useful Function matters are subject to review by the Department, but are not administratively appealable to the U.S. DOT

4. **Monthly Required Reporting.** The Department is required to collect data on DBE participation to report to FHWA on Federal-aid projects. On a monthly basis, the Contractor shall submit the Monthly Summary of Disadvantaged Business Enterprise Participation, Form 25A-336, to the Engineer. Reports are due by the 15th of the following month. Also attach copies of canceled checks or bank statements that identify payer, payee, and amount of transfer to verify payment information shown on the form.

120-4.01 DETERMINING DBE CREDIT. The Contractor is entitled to count toward the DBE Utilization Goal those monies actually paid to certified DBEs for Commercially Useful Function work performed by the DBE as determined by the Engineer. The Contractor will receive credit towards the DBE utilization goal, as follows:

1. Credit for the Commercially Useful Function of a DBE prime contractor is 100 percent of the monies actually paid to the DBE under the contract for creditable work and materials in accordance with 49 CFR Part 26.55.
2. Credit for the Commercially Useful Function of a subcontractor is 100 percent of the monies actually paid to the DBE under the subcontract for creditable work and materials.
3. Credit for the Commercially Useful Function of a subcontractor performing hauling/transportation is 100 percent of the monies actually paid to the DBE under the subcontract for creditable work for those firms certified in the 100 percent category. Credit for the Commercially Useful Function of a subcontractor performing hauling/transportation is 5 percent of the monies actually paid to the DBE under the subcontract for creditable work for those firms certified in the 5 percent credit category.
4. Credit for the Commercially Useful Function of a manufacturer is 100 percent of the monies paid to the DBE for the creditable materials manufactured.
5. Credit for the Commercially Useful Function of a regular dealer of a creditable material, product, or supply is 60 percent of its value. The value is the actual cost paid to the DBE not to exceed the bid price for such item.
6. Credit for the Commercially Useful Function of a broker performed by a DBE certified in a supply category for providing a creditable material, product or supply is limited to a reasonable brokerage fee. The brokerage fee will not exceed 5 percent of the cost of the procurement contract for the creditable item.
7. Credit for the Commercially Useful Function of a broker performed by a DBE certified in a bonding or insurance category is limited to a reasonable brokerage fee, not to exceed 5 percent of the premium cost.
8. Credit for the Commercially Useful Function of a joint venture (JV) either as the prime contractor or as a subcontractor may not exceed the percent of the DBE's participation in the JV agreement, as certified by the CRO. The DBE joint venture partner will be responsible for performing all of the work as delineated in the certified JV agreement.

120-5.01 ACHIEVEMENT OF DBE GOALS. Work under this item is subsidiary to other contract items and no payment will be made for meeting or exceeding the DBE Utilization Goal.

If the Contractor fails to utilize the DBEs listed on Form 25A-325C as scheduled or fails to submit proof of payment, requested documentation, or otherwise cooperate with a DBE review or investigation, the Department will consider this to be unsatisfactory work. If the Contractor fails to utilize GFE to replace or substitute a DBE, regardless of fault (except for Subsection 120-3.03(4)(b)(3)), the Department will also consider this unsatisfactory work. Unsatisfactory work may result in disqualification of the Contractor from future bidding under Subsection 102-1.13 and withholding of progress payments consistent with Subsection 109-1.06.



Alaska Department of Transportation & Public Facilities
Civil Rights Office

Plan Holders Self- Registration List

Guide for
Primes, Disadvantaged Business Enterprises
(DBEs) & Small Business Enterprises (SBEs)

DOT&PF Civil Rights Office



Alaska Department of Transportation & Public Facilities Civil Rights Office

Background

In February of 2013, the Civil Rights Office initiated the development of the DBE Stakeholders Committee, composed of DBEs, prime contractors and the Associated General Contractors (AGC). The objectives of the Committee were to:

- Create an online portal to connect primes & DBEs.
- Increase DBE participation.
- Foster open communication.
- Improve procurement opportunities for DBEs.
- Improve the GFE process.

DOT&PF's Plan Holders Self Registration List (PHSRL)

- The new Plan Holders Self-Registration List will allow DBEs, SBEs, and non-DBE subcontractors to self-register as interested subcontractors.
- Prime contractors will have access to all subcontractors who are interested in participating in the bid.
- Prime contractors will no longer use the DBE Directory in the CRO website to solicit DBE participation, but will still be required to use it in order to verify DBE certification. Prime contractors will use the Plan Holder Self-Registration List of registered DBEs to solicit DBE Participation.
- DBEs will only be contacted for projects for which they register.
- Prime contractors will only be required to contact DBEs that are interested in the project.

Benefits (DBEs & SBEs)

- DBEs & SBEs will increase their business opportunities by also registering for projects that are above and beyond the subcontractable items
- DBEs & SBEs can sign up for Online Public Notices and receive automatic email notifications that will notify them of the upcoming projects. This email notification will allow DBEs & SBEs to decide whether to bid.
- DBEs & SBEs can sign up for non-FHWA funded projects thereby increasing their business opportunities to participate in state funded projects.
- Prime contractors will now have a list of DBEs & SBEs that are interested to bid from various work categories.



Alaska Department of Transportation & Public Facilities Civil Rights Office

IMPORTANT NOTE:

Before you register for the PHSRL, it is highly recommended that you first register for the Online Public Bidding Notices which will notify you of any upcoming bids. Once you receive this notification it will prompt you the PHSRL portal. Below are the processes on how to register for both portals.

Follow the steps below to receive Online Public Notices

- Go here <http://aws.state.ak.us/OnlinePublicNotices/>
- Scroll to the bottom and find "Subscriptions." Click "search now."
- Select as your search criteria: Status: Active, Department: Transportation and Public Facilities, Category: Procurement, Sub-category: Constructions Bids. Leave the rest of the items blank, then click Search.
- Scroll to the bottom and click Subscribe. You'll get 4 options. Pick the envelope icon and "to search criteria." **Next enter your email address, and then click on Subscribe.** Scroll to bottom and click Subscribe. You'll get 4 options. Pick the envelope icon and "to search criteria." **Next to Search Tools, click on Subscribe.**
- Once your email address is entered, you will receive a "Confirm Your Subscription to Alaska Online Public Notices" email. Within 24 hours, click on the email link, to confirm your request.
- You will now receive a new notices link that allows you to view the project (similar to this example: http://www.dot.state.ak.us/apps/contracts?ACTION=BIDCAL®ION_CODE=C)

(You won't get emails for the active items that have already been posted.)

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Online Public Notices

OFFICE OF THE LIEUTENANT GOVERNOR
Online Public Notices

Home Search Browse Log In

Notice to Vendors

On July 1, 2015 the State of Alaska will implement IRIS – a collection of integrated software modules that handle finance, procurement, payroll and human resource management processes. IRIS, which stands for Integrated Resource Information System, also includes a Vendor Self Service (VSS) component. The VSS online portal will allow vendors to respond to solicitations, maintain account information, track financial information, and process invoices electronically.

To keep vendors informed the IRIS team has established a landing page at <http://doa.alaska.gov/dof/iris/vendor.html>. We are encouraging all vendors to visit the landing page and sign up to receive important email updates regarding vendor registration.

Note: VSS will not be used for state employees or those vendors doing business with the Division of General Services Leasing Section, Department of Fish and Game Licensing and foreign vendors.

Search Notices
Browse Active Notices
Login w/ myAlaska

Most Viewed Most Recent Upcoming Events/Deadlines

- Notice of Intent to Begin Engineering and Environmental Studies, HSIP: Eklutna Overpass Bridge Warning 2015
- ITB – 528598 M&O SAND STORAGE FACILITIES – BIRCHWOOD
- Notice of Proposed Changes in the Regulations of the Alaska Board of Fisheries
- 2014 General Election initiative hearing information (and audio of completed hearings)
- RFP 10-15-905 DNR, Trust Land Office Architect/Engineer Term Contract, Southeast Region



Alaska Department of Transportation & Public Facilities Civil Rights Office

How to Register for the PHSRL

1. Go to <http://www.dot.state.ak.us/procurement/bidding/calendar/index.shtml>
2. Under Current Bid Calendar, select either All; Central Region; Northern Region; Southeast Region; Headquarters, Statewide; or Marine Highway Ferry System.
3. Once you select an option, you will see the “Plan Holders List” link located after given project name.
4. To register for a project, click the **“Self-register”** (<http://www.dot.state.ak.us/cts/signup.cfm?cid=42719>) for this list”. Include your company email address and select from the Contractor Type. Click “submit” and your company name will be listed as interested in the selected project. NOTE: Only contractors registering as subcontractors will be considered mandatory contacts for the purposes of the Good Faith Effort (GFE).
5. To register for the Plan Holders List, your email address must already be on file with DOT&PF.
6. To update your email address, contact your **Regional Contracts Office** (<http://www.dot.state.ak.us/procurement/contacts/construction.shtml>).

Email Address:

Contractor Type:

[Submit](#)

[Return to Plan Holders List](#)

After you self-register, you are encouraged to check to see that you are listed as a contact on the project and that your contact information is listed correctly.



Alaska Department of Transportation & Public Facilities Civil Rights Office

Below: Illustration from the PHSR – **Mandatory** DBE highlighted in yellow.
This sample format will be used in a **Race Conscious Program**

Self-register for this list.

To sign up on the Plan Holders List, your email address must already be on file with DOTPF. Contact your Regional Contracts Office if you need to update your email address.

Associated General Contractor (AGC) offices and independent plans rooms

- *GREEN EARTH LANDWORKS, LLC*
***** DBE - Mandatory Contact *****
Email: bids@greeneearthalaska.com
Date Registered: 4/09/2015
Physical Address: 5440 B STREET, ANCHORAGE, AK 99518
Mailing Address: 5440 B STREET, ANCHORAGE, AK 99518
Type: SUBCONTRACTOR
Phone: 907-243-7892 Fax: 907-743-0099
- *PRISTINE ENVIRONMENTAL, LLC*
***** DBE - Mandatory Contact *****
Email: gotswppp@hotmail.com
Date Registered: 4/10/2015
Physical Address: 1206 PORTSIDE DRIVE, KENAI, AK 99611
Mailing Address: PO BOX 1874, KENAI, AK 99611
Type: SUBCONTRACTOR
Phone: 907-690-5069 Fax: 888-979-6431
- *THE PLANS ROOM*
Email: mail@theplansroom.com
Date Registered: 4/09/2015
Physical Address: 4831 OLD SEWARD HIGHWAY, STE 202, ANCHORAGE, AK 99503
Mailing Address: 4831 OLD SEWARD HIGHWAY, STE 202, ANCHORAGE, AK 99503
Type: SUPPLIER
Phone: 907-563-2029 Fax: 907-562-0956
- *QAP*
Email: cortega@colaska.com
Date Registered: 4/10/2015
Physical Address: 240 W. 68TH AVE., ANCHORAGE, AK 99518
Mailing Address: 240 W. 68TH AVE., ANCHORAGE, AK 99518
Type: GENERAL
Phone: 907-522-2211 Fax: 907-344-7723



Alaska Department of Transportation & Public Facilities Civil Rights Office

Below: Illustration from the PHSR – **Interested** DBE highlighted in yellow.
This sample format will be used in a **Race Neutral Program**

Self-register for this list.

To sign up on the Plan Holders List, your email address must already be on file with DOTPF. Contact your Regional Contracts Office if you need to update your email address.

Associated General Contractor (AGC) offices and independent plans rooms

- *GREEN EARTH LANDWORKS, LLC*
***** Interested - DBE *****
Email: bids@greenearthalaska.com
Date Registered: 4/09/2015
Physical Address: 5440 B STREET, ANCHORAGE, AK 99518
Mailing Address: 5440 B STREET, ANCHORAGE, AK 99518
Type: SUBCONTRACTOR
Phone: 907-243-7892 Fax: 907-743-0099
- *PRISTINE ENVIRONMENTAL, LLC*
***** Interested - DBE *****
Email: gotswppp@hotmail.com
Date Registered: 4/10/2015
Physical Address: 1206 PORTSIDE DRIVE, KENAI, AK 99611
Mailing Address: PO BOX 1874, KENAI, AK 99611
Type: SUBCONTRACTOR
Phone: 907-690-5069 Fax: 888-979-6431
- *THE PLANS ROOM*
Email: mail@theplansroom.com
Date Registered: 4/09/2015
Physical Address: 4831 OLD SEWARD HIGHWAY, STE 202, ANCHORAGE, AK 99503
Mailing Address: 4831 OLD SEWARD HIGHWAY, STE 202, ANCHORAGE, AK 99503
Type: SUPPLIER
Phone: 907-563-2029 Fax: 907-562-0956
- *QAP*
Email: cortega@colaska.com
Date Registered: 4/10/2015
Physical Address: 240 W. 68TH AVE., ANCHORAGE, AK 99518
Mailing Address: 240 W. 68TH AVE., ANCHORAGE, AK 99518
Type: GENERAL
Phone: 907-522-2211 Fax: 907-344-7723



Alaska Department of Transportation & Public Facilities Civil Rights Office

Guidance on Good Faith Effort (GFE)

- The bidder has an obligation to make a good faith effort to meet this goal.
- This can be demonstrated by either meeting the DBE Utilization Goal set on a project or documenting good faith efforts as outlined in Standard Modification 120-3.02.
- DBEs who register seven calendar days after the advertising date will be automatically listed as a Voluntary Contact.
- Bidders must contact mandatory, voluntary and interested DBEs listed on the PHSRL.
- Bidders must verify that DBEs are certified in the work category to receive DBE credit.
- Each contact with a DBE firm will be logged on a Contact Report, Form 25A-321A.

The CRO requests that all bidders seek DBE participation as outlined in Standard Modification 120-2.01.

Mandatory Contact, Voluntary Contact and Interested DBE

Mandatory Contacts are:

- DBEs that register within 7 calendar days after advertisement when the DBE program is operating in a race conscious program.

Voluntary Contacts are:

- DBEs who are interested in bidding on the project, but that do not register within seven calendar days of the advertising date.
- General Contractors, Suppliers and DBEs affected by waivers.
- DBEs registering as a prime, unless the same DBE also registers as a subcontractor.

Interested DBEs are:

- DBEs that register within 7 calendar days after advertisement, when the DBE program is operating in a race neutral program.



Alaska Department of Transportation & Public Facilities Civil Rights Office

Questions: Contact Civil Rights Office Contract Compliance Section

Winnie Cichosz

winnie.cichosz@alaska.gov

2200 E. 42nd Avenue

PO Box 196900

Anchorage AK 99519-6900

☎ 907-269-0854

☎ 1-800-770-6236 inside Alaska

📠 907-269-0847 fax

For individuals requiring TTY communications, please contact [Alaska Relay](#) .

OPERATING METHODS

PURPOSE:

To establish a procedure for determining a Good Faith Efforts (GFE) made by a prime contractor bidding on federally assisted projects using the Disadvantaged Business Enterprise (DBE) Program that is fair, efficient and effective. It is also to establish a policy for reconsidering the initial GFE decision that is fair, efficient and effective.

POLICY:

It is the policy of the Statewide Civil Rights Office (CRO) to administer the DBE Program evaluation of GFE in a manner that is comprehensive and consistent from consideration to the next. It is also to provide prime contractors an opportunity to be heard when they believe the initial consideration of their GFE is flawed based on the information provided as compared to the DBE specification for the contract.

DISTRIBUTION:

To all Civil Rights Office staff, Regional and Headquarters Contracting Officers and staff.

OPERATING METHODS FOR DETERMINING GFE AND ADMINISTRATIVE RECONSIDERATIONS

Authority and Guidelines

49 CFR 26.53 describes what GFE procedures are that recipients follow in situations where there are contract (utilization) goals. As a recipient of FHWA, FAA & FTA funds, ADOT&PF, through its Civil Rights Office, is charged with implementing the procedures in 49 CFR 26.53. Appendix A to Part 26--Guidance Concerning Good Faith Efforts may also be considered in determining GFE.

A. Consideration of GFE – GFE must be performed by bidders and prime contractors or subcontractor tasked with a portion of the DBE Utilization Goal by the prime contractor. GFE is considered under one of two circumstances

1. When apparent low bidder has not met the DBE Utilization Goal for an initial federal aid contract award
2. When a DBE defaults on the federal aid contract and that participation was used to fulfill the DBE Utilization Goal.

B. Standards for Considering GFE

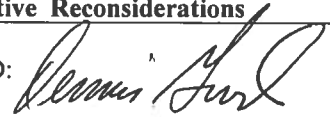
The Contracts Section for a given Region or Headquarters will refer to the Civil Rights Contract Compliance staff GFEs for federal aid projects that have completed bidding where the apparent low bidder has not met the DBE Utilization Goal. To perform an acceptable GFE, the apparent low bidder must demonstrate in paperwork they submit that they considered all possible subcontracting opportunities that is available to DBE firms.

1. VERIFY THAT ALL SUBCONTRACTABLE ITEMS WERE CONSIDERED.

The apparent low bidder must show, with documentation, that they sought DBE participation for each of the primary subcontractable items that is available for DBEs.

OPERATING METHODS

APPROVED:



DATE: April 2015

2. **VERIFY DBE NOTIFICATION.**

- a. Documentation submitted by the apparent low bidder must indicate that all DBE firms listed as a GFE contact listed for a given region in the Alaska Unified Certification Program's (AUCP) most current DBE Directory were contacted by the apparent low bidder at least 7 calendar days prior to bid opening, and at a minimum for work they are DBE certified.
- b. The documentation must also show that the apparent low bidder gave the DBEs a deadline not less than five days after contact by the apparent low bidder.
- c. The apparent low bidder may reject DBE quotes received after the deadline. Such a deadline for bid submission by DBEs will be consistently applied to all subcontractors, regardless of DBE status. DBEs certified to perform work items, registered as a Mandatory, Voluntary and Interested DBEs identified on Plan Holder Self Registration List must be contacted to solicit their interest in participating in the execution of work with the Contractor. Each contact with a DBE firm will be logged on a Contact Report (Form 25A321A).

3. **VERIFY FOLLOW-UP DBE NOTIFICATIONS.** Determine if a DBE will be bidding. Failure to submit a bid by the project bid opening or deadline is evidence of the DBE's lack of interest in bidding. Documentation of follow-up contacts shall be logged on the Contact Report (Form 25A321A). Following are the acceptable methods of initial and follow up:

- a. By fax with a confirmation receipt of successful transmission the DBEs fax number listed in the DBE Directory.
- b. By email with confirmation of successful receipt by DBEs email address listed in the DBE Directory.
- c. By telephone solicitation with a record of the date and time of the telephone call made to the DBEs telephone number listed in the DBE Directory.
- d. By publication with the names and dates of each publication in which a request for DBE participation for this project was place. The bidder is asked to attach copies of advertisements or proof of publication.

1. **Assistance to DBEs.**

- a. Bidders should make efforts to assist interested DBEs in obtaining bonding, lines of credit, insurance, and any technical assistance or information related to the plans, specifications and requirements for the work that was provided to DBEs.
- b. Bidders should make efforts to assist interested DBEs in obtaining necessary equipment, supplies, material, and related assistance or services.
- c. Bidders should provide interested DBEs with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation and assist with any questions asked by a DBE.

2. **Additional methods of DBE notification:**

OPERATING METHODS

- a. Identify all potential work items, which are not part of the "primary work operation" and could potentially be subcontracted to DBEs. Select portions of the work to be performed by DBEs in order to increase the likelihood that the DBE goals will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate DBE participation, even when the prime contractor might otherwise prefer to perform these work items with its own forces. For work types that are not conducive to subcontracting, consideration is to be given for materials manufacturing, supply, brokerage, and trucking opportunities.
 - b. Verify the Alaska Unified Certification Program (AUCP) Directory to identify all DBEs who perform the types of work which could be subcontracted, as well as the materials that could be manufactured, supplied, or provided via brokerage, and for trucking firms.
 - c. Solicit the above identified DBEs by ... "all reasonable and available means ... (e.g. attendance at pre-bid meetings, written correspondence, phone calls)" (49 CFR §26, Appendix A-IV.A). Second follow up attempts (if no initial response) by different medias of communication will be necessary to document and confirm DBE interest in participation.
 - d. Bidders should effectively use the services of available minority/women community organizations, local, state, and Federal minority/women business assistance offices; and other organizations as allowed on a case-by-case basis to provide assistance in the recruitment and placement of DBEs. All outreach efforts (including participation at pre-bid meetings or industry-sponsored DBE targeted outreach meetings) can be documented as part of good faith efforts.
 - e. Soliciting through all reasonable and available means (e.g., attendance at pre-bid meetings ...solicitation letters, phone calls, email, and faxes) ...the interest of all certified DBEs who have the capability to perform the work of the contract. The bidder must solicit this interest within sufficient time to allow the DBEs to respond to the solicitation. The bidder must determine with certainty if the DBEs are interested by taking appropriate steps to follow up initial solicitation and document the results. Reasonable attempts by the bidder to solicit quotes from DBEs shall include the use of a least two different communication media to contact each DBE by at least two separate attempts.
4. The apparent low bidder should demonstrate that they tried to meet the DBE Utilization Goal by seeking DBE participation for all items that can be subcontracted to DBEs.

C. GFE Determination –

The CRO shall determine whether the apparent low bidder made a GFE to meet the DBE utilization goal. The CRO will require the apparent low bidder to meet each of the standards described in Section B to meet GFE requirements. All efforts must be established by submitted documentation as part of the GFE process. Upon making its determination, the CRO shall notify the project region's Contract Compliance Officer of its decision.

OPERATING METHODS

- D. Administrative Reconsideration of GFE Determination -
49 CFR 26.53(d) provides an opportunity for administrative reconsideration when the Department determines that GFE is insufficient. This opportunity must be exercised within three working days of notification that GFEs were unsatisfactory. For reconsideration, the bidder must provide written documentation or argument concerning efforts to meet the DBE Utilization Goal. No new or additional contact information may be provided. Only contact information the bidder provided in support of its initial request for a GFE determination by the CRO may be presented to support the request for administrative reconsideration.

The process for an Administrative Reconsideration is as follows:

- a. The bidder will have the opportunity to meet with the DBE Liaison Officer in person to discuss the issue. If so desired, the bidder must be ready to meet with the DBE Liaison Officer within four working days of receipt of notice that it failed to meet the requirements of this subsection.
- b. The DBE Liaison Officer will render a written decision and provide notification to the bidder within four working days after the meeting. The written decision will explain the basis for finding.
- c. The finding of the DBE Liaison Officer cannot be appealed to the U.S. DOT.

STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

CIVIL RIGHTS OFFICE (CRO)
DESK MANUAL

PROGRAM: DBE

AREA: PROJECT GOAL SETTING

APPROVED:



DATE:

4/2015

PURPOSE

The purpose of this document is to establish the internal procedure for determining Disadvantaged Business Enterprise (DBE) Utilization contract goals on federally assisted construction contracts, and issuing a DBE Goal Memo to the regional construction office. This includes projects with assistance from Federal Highway Administration (FHWA), Federal Aviation Administration (FAA), and Federal Transit Administration (FTA) funding modes.

AUTHORITY AND GUIDELINES

In accordance with Title 49 CFR 26, Alaska Department of Transportation & Public Facilities (ADOT&PF) sets an overall DBE utilization goal. This goal may be achieved through race neutral means, which is implemented through customary competitive procurement procedures. Or through race conscious means, which is implemented through contract goal setting on federally assisted contracts. Every federally funded contract includes the Equal Employment Opportunity (EEO) and DBE requirements.

Staff responsibility for the preparation of the proposed Contract Goal is assigned to the Contract Compliance section of the Civil Rights Office (CRO).

When contract goals have been established, the Contract Compliance section will determine the appropriate DBE utilization contract goal on a case by case basis prior to the bid advertisement. When a contract goal has been set on a project, the apparent low bidder must meet, or make every Good Faith Effort (GFE) to meet the goal before being awarded the project.

POLICY

It is the policy of the CRO that DBE Utilization contract goals are set in a manner that is specific to each project. Mandatory project goals will only be established in a race conscious program and on contracts that have subcontracting possibilities. The CRO will work with the Project Engineer and each Regional Contract Compliance Liaison to determine the appropriate goal.

PROCESS

1. The CRO receives requests to provide a DBE Utilization Goal and Memo from the regional construction office prior to projects being advertised for procurement.
 - a. This request is usually sent via email through the Regional Contract Compliance Liaison, but sometimes it will come from the Project Engineer directly.
 - b. DBE goal requests are given a high priority and are expected to be completed with a day or two.
 - c. Included in the request are the following: Engineer's Estimate, the DBE Goal Worksheet, OJT Calculation (applies for FHWA projects only), Project Code (The staff needs this to charge their time

STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

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while working on the project) and along with any additional information that would be helpful in determining the goal and Work Categories.

- d. It is important that the DBE Directory is updated every Monday of the week. Check with the designated staffs who update the directory.
 - e. We evaluate projects with any dollar amount; however, we only set goals on projects that are \$1,000,000.00 and above.
 - f. Smaller construction projects (under \$1,000,000.00) will be thoroughly evaluated for possible Race Neutral participation by DBE firms.
2. Requests for projects that are FHWA assisted will include an OJT calculation if they are over 1.5 million dollars. There is no OJT component to FAA or FTA assisted projects.
 - a. Forward the provided OJT Calculation to the Support Services section for approval prior to issuing the goal.
 - b. Along with the DBE Goal, the Memo will also include the OJT Goal.
 3. Currently, all Alaska Marine Highway Systems (AMHS) projects that are competitively bid are issued with a Race Neutral goal because, unlike the highways or airport, our marine highway ferries can be worked in multiple states and the market of available DBEs is difficult at best to determine for DBE goal setting. However we do set OJT project goals for all AMHS projects.
 - a. The Project Manager will often work with Supportive Services directly to determine the OJT goal. Supportive Services will then forward the info to Contract Compliance for issuance of the OJT goal memo.
 4. Create a folder in the R Drive and store all electronic documents that pertain to the DBE Goal:
 - a. R Drive > COMPLIANCE SECTION > DBE Goals > Folder by Calendar Year > Folder by Region > Project Folder (56789 – Pavement Preservation)
 - b. Save any documents sent by the regional construction office as well as any pertinent emails in this folder.
 5. Review the overall scope of the project using:
 - a. Engineer's Estimate (EE)
 - b. Federal funding allocation (approximately \$1M and above)
 - c. A description of the job
 - d. DBE Goals Worksheet
 - e. Project location
 - f. Project Engineers advice and suggestions

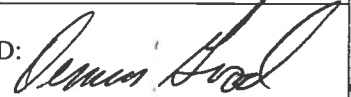
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- g. Standard industry practice
6. Determine which Bid Items could be considered Subcontractable.
- a. Consider the primary type of work on the project.
 - b. What kind of prime contractor is likely to bid on this project?
 - c. Bid Items that fall in the prime contractors capabilities are generally not considered subcontractable. For example, paving, aggregate, or rip-rap Bid Items would usually not be considered subcontractable on an Earthwork-Paving project; however, they might be considered subcontractable on an Electrical-Highway Lighting project.
 - d. Determination of the project type should be based on the higher dollar value total of the primary bid items.
 - e. When in doubt, always consult the Project Engineer as each region has standard practices and each project is unique.
7. Establish what Work Categories correspond to the selected Subcontractable Items.
- a. The Regional Contract Compliance Liaison and the Project Engineer should provide guidance on Work Categories, and this should be included on the provided DBE Goals Worksheet.
 - b. Looking at past projects with DBE goals can also be used for guidance on Work Categories. Always look at similar job types that are in the same region.
8. Generate the final DBE Worksheet and Memo
- a. Begin with an Excel template R Drive > COMPLIANCE SECTION > DBE Goals > Folder by Calendar Year > Worksheet Templates
 - b. Choose a template by region
 - c. On the tab 'Information Fill-in Sheet' enter:
 - i. Sender Name, Title, and Phone Number
 - ii. Today's Date
 - iii. Project Name – the full project name should be on the EE, or look in MRS
 - iv. Project Number – Federal and State
 - v. Project Location – to confirm look up the project number in MRS or ask the requestor.
 - vi. Project Amount – this is the Subtotal from the EE. Do not use the Project Total dollar value.
 - vii. Requestor Name, Phone Number, Fax Number, Section, and Region
 - viii. OJT Goal – Supportive Services must approve the OJT goal.

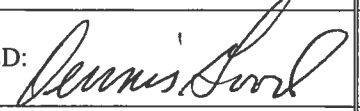
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- ix. The DBE goal will auto populate once the DBE Goal Worksheet is filled out
- x. DBE Directory Date - this should be the date of the current DBE directly that is published on the CRO website.
- d. On the tab 'DBE Goal Worksheet' enter all of the Subcontractable Item numbers, descriptions, dollar values, and Work Category information.
- e. The Form 25A-324 Subcontractable Items will autofill from the information that is entered in the DBE Goal Worksheet.
- f. Print the tabs 'Memo', 'DBE Worksheet', and '25A-324' by selecting all three at the same time. Print to a PDF and save the document on the R drive in the project folder.
- g. Double check for accuracy against the provided DBE Goal Worksheet and EE. This information will be included as part of the procurement package and accuracy is vital.
- h. Forward the memo, DBE Goal Worksheet, and Form 25A-324 to the regional construction office.
- i. The regional construction office will include the Subcontractable Items Form 25A-324 in the Specifications that are part of the Advertising Package, and use the DBE and OJT goals on the memo for the advertisement.

9. Revise the DBE goal memo if the Engineer Estimate changes.

Prior to revising a DBE goal memo, all changes must be discussed with the Contract Compliance Officer. Approval of the change must be approved by the Contract Compliance Officer. Save all emails, correspondence and supporting documents for the project folder on the R Drive.

10. After the process is complete, enter the DBE & OJT Goal info into our database Biz Track. The Research Analyst will then use the data entered to produce reports and make information available to others in the department who have a role in the DBE program.

Instructions on how to enter the DBE & OJT goal can be found on the R Drive > COMPLIANCE SECTION > DBE Goals > DBE Goal Tracking in Biztrak.

11. Track your time spent and charge to the project coding on your time sheet. The project coding should be provided by the Regional Contract Compliance Liaison when the DBE goal request is issued.



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Transportation and Public Facilities

Civil Rights Office
P.O. Box 196900
Anchorage, AK 99519-6900
Main Phone: 907-269-0851
Fax number: 907-269-0847
www.dotcivilrights.alaska.gov

Completing Form 25A-336

Form 25A-336 (336) is for Prime Contractors to report the monthly payments made to its respective DBE subcontractors, in accordance with Special Provision 120-3.03.2.g, to the Civil Rights Office (CRO). This form needs to be completed from the starting date of the project to the final payment made to the DBE subcontractor(s). The 336 should be completed even if there are no payments made that month to the subcontractor(s). Instructions for acquiring, filling out, and delivering the 336 are as follows:

- Get the form
 - From **Contracts** website:
http://www.dot.state.ak.us/stwddes/dcsconst/pop_constforms.shtml
 - From **DOT&PF/CRO** website, where you can find it by name [Summary of DBE Participation; 25A-336] or by number [25A-336].
<http://www.dot.state.ak.us/cvlrts/forms.shtml>
- Header information
 - Project name and number, using the Federal ID and the AKSAS number
 - Prime Contractors' name
 - Month and year the payments are for
 - Mark whether the Prime a DBE
- Subcontractors, Manufacturers, Brokers, and Regular Dealers
 - Separate out each participant
 - **Separate further by the Work Performed or the 3-digit Bid Item Number**
 - Enter the amounts paid for the month and the total paid to date
 - Mark whether this month's payment is the final payment (once final payment is made and indicated on a 336, the DBE does not need to appear on subsequent 336s)
- Enter in subtotals
 - Brokers and Regular Dealers need to enter the percents of subtotal as queried
 - Sign and date at the end of the form, to testify that all payments are listed and accurate
 - Send form to the Department of Transportation & Public Facilities, CRO

Mailing Address:
DOT&PF/CRO
Box 196900
Anchorage, AK 99519-6900

Fax: (907) 269-0847
Email: adam.marks@alaska.gov PO

If there are any questions please contact the Research Analyst at (907) 269-0846.

"Keep Alaska Moving through service and infrastructure."



**MONTHLY SUMMARY OF DISADVANTAGED BUSINESS
ENTERPRISE PARTICIPATION**

Federal-Aid Contracts

State of Alaska DOT & PF Civil Rights Office • 2200 E 42nd Ave. • Anchorage, AK 99519-6900

FOR PAYMENTS MADE IN:	
MONTH	YEAR

Please read instructions before completing this form.

Submit this form to the CRO by the 15th of the month following the reporting month. (i.e.: *Work performed in January will be paid in February; the summary report for January must be submitted to the CRO by March 15.*)

1. PROJECT NAME	Project Number
4. PRIME CONTRACTOR NAME	

The undersigned affirms that the information that they are providing to the Alaska Department of Transportation and Public Facilities, Civil Rights Office is accurate and complete to the best of their knowledge. Further, the undersigned authorizes the Alaska Department of Transportation and Public Facilities, Civil Rights Office to verify the accuracy of the information provided. Please note that the Alaska Department of Transportation and Public Facilities, Civil Rights Office, is required to report to the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take steps (e.g. referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in §26.109. The Alaska Department of Transportation and Public Facilities, Civil Rights Office, will consider similar action under our own legal authorities, including responsibility determinations in future contracts.

10. NAME OF PERSON PREPARING REPORT	11. TITLE	12. SIGNATURE	13. DATE
--	------------------	----------------------	-----------------

SUBCONTRACTORS

14. FIRM (DBE) NAME	15. BID ITEMS PAID (LIST SEPARATELY)	16. AGREED PRICE	17. AMOUNT PAID THIS PERIOD	18. AMOUNT PAID TO DATE	19. % OF WORK COMPLETED TO DATE	20. FINAL PAYMENT	
						YES	NO
1						<input type="checkbox"/>	<input type="checkbox"/>
2						<input type="checkbox"/>	<input type="checkbox"/>
3						<input type="checkbox"/>	<input type="checkbox"/>
4						<input type="checkbox"/>	<input type="checkbox"/>
5						<input type="checkbox"/>	<input type="checkbox"/>

If more spaces are required, use as many copies of the second page of this form as necessary. The contractor must sign each sheet to certify its content and completion.

Are additional pages attached? YES NO

10. NAME OF PERSON PREPARING REPORT	11. TITLE	12. SIGNATURE	13. DATE (mm/dd/yyyy)
--	------------------	----------------------	------------------------------

MANUFACTURERS (100 % DBE Credit)

21. FIRM (DBE MANUFACTURER) NAME	22. PRODUCT MANUFACTURED	23. AMOUNT PAID THIS PERIOD	24. AMOUNT PAID TO DATE	20. FINAL PAYMENT	
				YES	NO
1				<input type="checkbox"/>	<input type="checkbox"/>
2				<input type="checkbox"/>	<input type="checkbox"/>
3				<input type="checkbox"/>	<input type="checkbox"/>
4				<input type="checkbox"/>	<input type="checkbox"/>
5				<input type="checkbox"/>	<input type="checkbox"/>
6				<input type="checkbox"/>	<input type="checkbox"/>
7				<input type="checkbox"/>	<input type="checkbox"/>

BROKERS (5% DBE Credit for brokerage fee)

25. FIRM (DBE BROKER) NAME	26. PRODUCT/SERVICE	27. DBE BROKERAGE FEE	28. AMOUNT PAID THIS PERIOD	29. AMOUNT PAID TO DATE	20. FINAL PAYMENT	
					YES	NO
1			\$ -		<input type="checkbox"/>	<input type="checkbox"/>
2			\$ -		<input type="checkbox"/>	<input type="checkbox"/>
3			\$ -		<input type="checkbox"/>	<input type="checkbox"/>
4			\$ -		<input type="checkbox"/>	<input type="checkbox"/>
5			\$ -		<input type="checkbox"/>	<input type="checkbox"/>
6			\$ -		<input type="checkbox"/>	<input type="checkbox"/>

REGULAR DEALERS (60% DBE Credit)

30. FIRM (DBE REGULAR DEALER) NAME	31. MATERIALS SUPPLIED	32. AMOUNT PAID THIS PERIOD	33. AMOUNT PAID THIS PERIOD (60%)	34. AMOUNT PAID TO DATE	20. FINAL PAYMENT	
					YES	NO
1			\$ -		<input type="checkbox"/>	<input type="checkbox"/>
2			\$ -		<input type="checkbox"/>	<input type="checkbox"/>
3			\$ -		<input type="checkbox"/>	<input type="checkbox"/>
4			\$ -		<input type="checkbox"/>	<input type="checkbox"/>
5			\$ -		<input type="checkbox"/>	<input type="checkbox"/>
6			\$ -		<input type="checkbox"/>	<input type="checkbox"/>

If more spaces are required, use as many copies of the second page of this form as necessary. The contractor must sign each sheet to certify its content and completion.
 Are additional pages attached? YES NO



STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES
Civil Rights Office – DBE Program

BIDDER REGISTRATION

All firms are required to submit a Bidder's Registration form before an Alaska Department of Transportation and Public Facilities (DOT&PF) project can be awarded. The Bidder Registration form must be submitted to the Civil Rights Officer (CRO) on an annual basis by January 1 and is valid thru December 31. Complete this form for each contractor and subcontractor. Firms will be listed on the bidder registration online directory <http://www.dot.state.ak.us/cvirts/bidreg.shtml>.

Name of Firm: _____
 Street Address: _____
 Mailing Address: _____
 Contact Name: _____
 Telephone Number: _____
 Fax number: _____
 E-mail Address: _____
 Date Firm was Established: _____

The firm listed above is a (check all that apply):

- Prime Contractor?
- Subcontractor? Identify specialty: _____
- Service Provider? Identify service: _____
- Material Supplier? Identify material: _____
- Manufacturer? Identify product: _____
- Certified DBE? * *DBE- Disadvantaged Business Enterprise
- Self-Certified SBE? * *SBE- Small Business Enterprise (Complete page 2 of this form.)

Firm's gross annual receipts:

- < \$500,000
- \$500,000- \$999,999
- \$1,000,000- \$4,999,999
- \$5,000,000- \$9,999,999
- \$10,000,000- \$16,999,999
- > \$17,000,000

Type of contracts/proposals bid by the firm (check all that apply):

- Highways Airports Transit AMHS

Signature of Company Representative

Title

Date

Send this completed form to:
 ADOT&PF Civil Rights Office
 PO Box 196900
 Anchorage, Alaska 99519-6900

OR You may fax your completed form to:
 (907) 269-0847

If you have any questions, please call (907) 269-0851.

SMALL BUSINESS ENTERPRISE PROGRAM (SBE) BIDDER'S REGISTRATION

[Complete the below only if you are a Self-Certified SBE Firm] All businesses are required to submit a SBE Bidder's Registration form before a DOT&PF contract can be awarded. The bidder's Registration form must be submitted on an annual basis by January 1 and is valid thru December 31.

In order to verify your firm's compliance with business size standards under 49 CFR 26.67(2)(i) and 26.65(b), *at the time of award* you will be required to submit the following documents:

- SBE Affidavit of Certification Eligibility
- Personal Financial Statement
- Past three years of your corporations and/or individual tax returns
- If not a certified DBE, please provide documentation that you are self-certified as a small business (please contact Procurement Technical Assistance Center (PTAC) at 907-274-7232 if you require assistance on becoming a self-certified small business)

At time of award send required documentation to:

DOT&PF Civil Rights Office
Attn: Certification
PO Box 196900
Anchorage, Alaska 99519-6900
Fax: (907) 269-0847

Fostering Small Business Participation (SBE) (49 CFR 26.39):

To meet the requirements of 49 CFR 26.39, DOT&PF has implemented a Small Business Enterprise Program. This component is only applicable to federally funded projects.

A. SBE Directory Information

1. Can you verify at time of award that your firm does not exceed the business size standards of \$22.41 million for the last three years of gross annual receipts per 49 CFR 26.65(b)?

[] Yes [] No*

**If you marked "No" you do not qualify for the SBE Program*

2. Can you verify at time of award that your firm does not exceed the personal net worth standards of \$1.32 million per 49 CFR 26.67(2)(i)?

[] Yes [] No*

**If you marked "No" you do not qualify for the SBE Program*

3. Contact Info.

Name of Firm

Contact Name

Telephone Number

Fax Number

Email Address

Company Website



STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES
CIVIL RIGHTS OFFICE

COMMERCIALLY USEFUL FUNCTION (CUF) MONITORING REPORT

Per 49 CFR 26.55, "A DBE performs a commercially useful function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved... A DBE does not perform a CUF if its 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..." This form is for the purposes of reviewing DBEs for compliance with the CUF requirements for credit.

This form is to be used by DOT field staff to perform CUF reviews on DBE primes, subcontractors and DBE joint ventures. Perform a minimum of one review for each DBE on a federally-assisted project per construction season. The review should be conducted when the DBE first begins work. Monitor compliance through the course of the project.

1. PROJECT NAME

2. AKSAS NUMBER **3. FEDERAL PROJECT NO.**

4. PRIME CONTRACTOR NAME

5. DBE CONTRACTOR NAME

6. DBE START DATE **7. NAME/TITLE OF DBE ON-SITE REPRESENTATIVE**

8. ON-SITE REPRESENTATIVE REPORTS TO:

9. DBE IS PERFORMING AS
 prime subcontractor joint-venture

ON-SITE REPRESENTATIVE'S BRIEF DESCRIPTION OF THE DBE'S SCOPE OF WORK (Obtain copy of Subcontract and/or Purchase Order if needed):

WHO PREPARES THE DBE'S CERTIFIED PAYROLL (NAME & LOCATION)

PART I (based on interviewer's observation)	YES	NO
The DBE is responsible for the following:		
1 Responsible for execution of all work?		
2 Is the DBE subcontracting any work?		
3 Actually performs, manages, and supervises work?		
4 Performs the work using own employees and own equipment		
5 Is DBE using leased or rented equipment (if yes, obtain a copy of the lease or rental agreement)		
6 Responsible for purchase & installation of materials and supplies		

PART II - DBE Trucking Firm	YES	NO
Does the DBE own and operate at least one fully licensed, insured, and operational truck; using drivers employed by the DBE on the contract?		
If leasing trucks, Does the DBE lease trucks from another DBE?		
Does the DBE lease trucks from a non-DBE firm?		
Does the truck(s) leased display name and certification number of the DBE firm?		

SUBMIT COMPLETED FORM IMMEDIATELY TO THE REGIONAL CONTRACT COMPLIANCE LIAISON

AKDOT&PF PROJECT STAFF/REVIEWER (signature)

DATE

AKDOT&PF PROJECT STAFF/REVIEWER (print)

Attachment VI

State of Alaska Small Enterprise Program

SBE Certification Application

SBE Approval Letter

DBE Support Services SOP

OJT Support Services SOP



Alaska Small Business Enterprise Program

ADOT&PF —Civil Rights Office

The State of Alaska Department of Transportation & Public Facilities is committed to fostering small business participation. To do so we are introducing Alaska's Small Business Enterprise (SBE) component of the Disadvantaged Business Enterprise (DBE) Program.



MISSION

To meet the requirements of 49 CFR 26.39, Fostering Small Business Participation will be a race-neutral program. The State of Alaska Department of Transportation & Public Facilities (ADOT&PF) Civil Rights Office will implement the Alaska Small Business Enterprise Program in order to facilitate and foster small business participation on FHWA, FAA and FTA funded projects. The SBE is a component of the ADOT&PF's Disadvantaged Business Enterprise (DBE) Program.

THE ADOT&PF CIVIL RIGHTS OFFICE ROLE

- Conduct outreach efforts to small businesses to inform SBE's of procurement opportunities.
- Develop an outreach program for fostering small business participation that will focus on promoting business infrastructure growth and procurement opportunities. ADOT & PF will conduct or facilitate training workshops on the areas of the following but not limited to; marketing strategies, capital investments, contract law, bonding, insurance and other topics of interest.
- Provide networking opportunities between small businesses and prime contractors for the development of business relationships.
- Conduct and refer SBE's to workshops on doing business with the Government (Federal and State)
- Counseling and referral to other small business programs including but not limited to:
 - A) DBE's certified through AUCP
 - B) Small Business Administration which includes: Historically Underutilized Business (HUB Zone), Women-Owned Small Business, Veteran-Owned Small Business, and Service Disabled Veteran-Owned Small Business

QUALIFICATIONS

- No geographic preferences will be implemented.
- There are no limits on the number of contracts awarded to firms participating in the program.
- Efforts will be made to avoid creating barriers to the use of new, emerging, and/or untried businesses.
- The SBE program is not prohibited by State law.

SBE ELIGIBILITY PROCESS

- **At the time of bid**, small businesses that are not registered bidders with ADOT&PF will be required to fill out Bidder's Registration Form 25D-6.
- **At the time of award**, if not a certified DBE, firm will be required to submit appropriate supporting documentation that they meet the definition of small business in accordance with 49 CFR Part 26.65 (b) 49 CFR Part 26.67(2) (i). The required items are as follows:
 - A) SBE Affidavit of Certification Eligibility
 - B) Personal Financial Statement (SBA Form 413).
 - C) Past three years of your business income tax returns and individual tax returns.



FOR MORE INFORMATION CONTACT SUPPORT SERVICES
(at the time of contract award call a Certification Specialist)

907-269-0851 / 1-800-770-5236 within Alaska
2200 E. 42nd Avenue, Anchorage, Alaska 99519

The DOT&PF operates Federal Programs without regard to race, color, national origin, sex, age, or disability. Full Title VI Nondiscrimination Policy: dot.alaska.gov/tvi_statement.shtml. To file a complaint go to: dot.alaska.gov/cvlrts/titlevi.shtml

SBE Affidavit of Eligibility

*A Race and Gender Neutral Program With
No Geographical Boundaries*



Legal Name of Business:		Name of Parent Company:			
Federal Identification No. _____ - _____ (OR) Owner's Social Security No. _____ - _____ - _____					
Date Business Established:		No. of Employees:	Full-time _____ Part-time _____		
Business Physical Street Address:		Mail Address (if different):			
Business Phone: ()		Fax No.: ()			
Email Address:	Be sure to advise us if your email address changes at any time. This will be our main line of communication.				
Business Web Site:	www. _____				
List all Owners: *Race Codes B - Black W - White H - Hispanic NA - Native Americ SA - Subcont Asian AP- Asian-Pacific Is	<u>Name</u>	<u>Title</u>	<u>Gender</u>	<u>*Race</u>	<u>Percentage Owned</u>
			Male Female		%
			Male Female		%
			Male Female		%
			Male Female		%
			Male Female		%
			Male Female		%
Legal Form of Enterprise:	<p>Check all that apply</p> <ul style="list-style-type: none"> • Sole Proprietorship • Partnership • Corporation • Limited Liability Company • Joint Venture • Other (state) _____ 	<p>State primary goods/services of this firm: (description should match NAICS codes listed below)</p>			
NAICS Codes (see www.naics.com for help) One for each of your primary goods/services (up to 5):					

SBE Affidavit of Eligibility

Page 2 of 2

Qualifications:

- No geographic preferences will be implemented.
- There are no limits on the number of contracts awarded to firms participating in the program.
- Efforts will be made to avoid creating barriers to the use of new, emerging, and/or untried businesses.
- The SBE program is not prohibited by State law.

Attach Documentation:

At the time of bid, small businesses that are not registered bidders with ADOT&PF will be required to fill out Bidder's Registration Form 25D-6.

At the time of award, If not a certified DBE, firm will be required to submit a signed, notarized certification with appropriate supporting documentation that they meet the definition of small business in accordance with 49 CFR Part 26.65 (b) 49 CFR Part 26.67(2) (i).

- SBE Affidavit of Certification Eligibility including Demographics and supporting documentation for SBE verification.
- Personal Financial Statement (SBA Form 413).
- Past three years of your corporation (first 2 pages) and individual tax return (first 2 pages and schedule c).

Signatures:

By my signature below, I certify that the information I have supplied on this form and the attached documentation is true and correct.

Signature of Owner(s) or Principal(s)

Title

Date

For more information, please call the Civil Rights Office at 907-269-0851 or 1-800-770-6236 (inside Alaska) and ask for the Certification Department.



U.S. Department
of Transportation
**Federal Highway
Administration**

Memorandum

Subject: **ACTION:** DBE Small Business
Element

Date: July 18, 2012

From: Warren S. Whitlock *Warren Whitlock*
Associate Administrator for Civil Rights

In Reply Refer To:
HCR-30

To: Mr. David Miller
Division Administrator, HDA-AK
Juneau, Alaska

This memorandum is to confirm that the Federal Transit Administration (FTA), Federal Aviation Administration (FAA), and the Federal Highway Administration (FHWA) have received the Alaska Department of Transportation and Public Facilities' (ADOT&PF) resubmission of the Small Business Element portion of its DBE Program Plan.

In reviewing ADOT&PF's small business element, each operating administration has determined that it has sufficiently established a provision that fulfills the intent of this part. This memorandum serves as an acknowledgment of FTA, FAA and FHWA's approval of Alaska's Small Business Element. Please notify ADOT&PF of this approval.

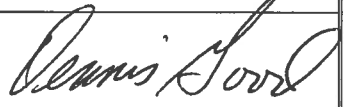
If you need further assistance please feel free to contact Britney Berry of FTA at britney.berry@dot.gov, or Martha Kenley of FHWA at martha.kenley@dot.gov, or keturah.pristell@dot.gov.

cc: Linda Ford, Acting Director, Office of Civil Rights, FTA
Leslie Rogers, Region X Administrator, FTA
Chris MacNeith, Region X Civil Rights Officer, FTA
Martha Kenley, National DBE Program Manager, FHWA
Britney Berry, EEO Specialist, FTA
Wilbur Barham, Director, National Airport Civil Rights Policy and Compliance, FAA
Michael Freilich, Director, AWP Civil Rights & National DBE Compliance, FAA
Keturah Pristell, DBE Compliance Specialist, FAA

OPERATING METHODS

PROGRAM: DBE / SBE Business Development Services (formerly Support Services)

AREA: DBE / SBE Business Development Office (formerly Support Services)

APPROVED: 

DATE: April 2015

PURPOSE: To establish procedures for implementing and administering business development programs that assist Disadvantaged Business Enterprises (DBEs) and Small Business Enterprises (SBEs) with business growth on Federal Highway Administration (FHWA) funded projects. This is achieved through the implementation of various mechanisms that effectively benefit the business' success.

POLICY: It is the policy of the Alaska Department of Transportation & Public Facilities (ADOT&PF) Civil Rights Office (CRO) to provide Development Services in compliance with components of CFR §26.35 and §26.39 to establish business development programs which assist firms in gaining the ability to compete successfully in the marketplace outside the DBE program.

DISTRIBUTION:

OPERATING METHODS

Authority and Guidelines:

The Disadvantaged Business Enterprise Liaison Officer (DBELO) has delegated authority to the CRO Manager within the ADOT&PF for matters pertaining to administration of the DBE/SBE Program. Criteria used as applicable.

Overview

DBE/SBE Business Development Office (formerly Support Services Office)

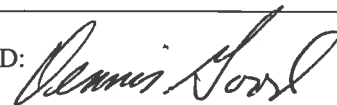
The DBE/SBE Business Development Office is the office within the Civil Rights Office designated to assist DBEs/SBEs who want to work on federally funded projects. Based on the business development requirements set forth in CFR §26.35 and §26.39; this office implements the DBE/SBE Support Services approved Statements of Work (SOW); DBE/SBE Support Services activities; monitors DBE/SBE business development and establishes measurable outcomes for each program area identified in the CFRs. The title 'Support Services Coordinator'

OPERATING METHODS

PROGRAM: DBE / SBE Business Development Services (formerly Support Services)

AREA: DBE / SBE Business Development Office (formerly Support Services)

APPROVED:



DATE: April 2015

will be renamed 'Business Development Coordinator' to better align with the current requirements of the program.

DBE Support Services

DBE Support Services is a federally funded program designed specifically in support of DBEs who wish to work on FHWA funded projects. The Support Services Program offers the following services free of charge to DBEs/SBEs. Financial resources programs are only available to DBEs.

- Technical Assistance in:
 - Enrollment into business development programs
 - Bidding on DOT projects
 - Annual DBE Conference attendance
 - Project Management
 - Bonding
 - Estimating and Bidding
 - Financial / Capital Management
 - Business Marketing Strategies
 - Prime Contractor Networking
 - 50% Reimbursement Program (process outlined below)
 - Referral Services on a case by case basis

Annual Conferences

All DBE/SBE Support Services event folders (workshops/conferences) will contain; sign-in sheets, a copy of materials and handouts, and any marketing materials that were used to promote the workshop (newspaper articles, flyers, letters, etc.).

All Business Development Consultations and Mentor Protégé activities will have specific folder tabs that include DBE firm profile, consultation form, a copy of the baseline study (provided by vendor), quarterly tracking and follow-up activity log.

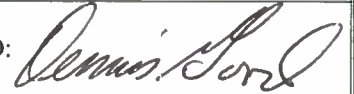
Annual DBE Conferences will take place during the first or fourth quarter of the year. This ensures larger attendance and participation. The logistical planning: meetings, hotel contracts, vendors etc.

OPERATING METHODS

PROGRAM: DBE / SBE Business Development Services (formerly Support Services)

AREA: DBE / SBE Business Development Office (formerly Support Services)

APPROVED:



DATE: April 2015

will reside on the CRO R Drive – Support Services FFY “year” DBE Conference. The Alaska Unified Certification Program (AUCP) Partners are key stakeholders and are included in the planning of these conferences.

50% Reimbursement Program

The 50% Reimbursement Program is designed to assist DBEs by offsetting business costs.

- Only DBEs certified and doing business in Alaska, are eligible to participate in the 50% Reimbursement Program. DBEs whose certifying home state is not Alaska will not be eligible for reimbursement. However, out-of-state firms will continue to be eligible for all other services provided by Support Services.
- Attendance or participation in 1 workshop or event hosted or co-sponsored by the CRO within the calendar year of application to the program, is **mandatory**. Participation may be in person or via teleconference. Credit for participation will be given to the DBE owner or the representative identified in the DBE/SBE certification file.
- The amount of eligible reimbursement has increased to \$1500 dollars.
- This program is only available to DBEs who are currently bidding or working on FHWA funded projects.
- Applications are available on the CRO website at www.dotcivilrights.alaska.gov.

Statements of Work (SOW)

The SOW is due March 15th of each year and covers four major parts outlined below. These parts should be detailed in its activities and have measurable outcomes.

PART I: Program Design

- Purpose
- Program Goals and Objectives
- Result Oriented Objectives

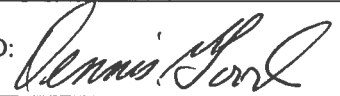
PART II: Budget Summary

OPERATING METHODS

PROGRAM: DBE / SBE Business Development Services (formerly Support Services)

AREA: DBE / SBE Business Development Office (formerly Support Services)

APPROVED:



DATE: April 2015

PART III: Evaluation, Monitoring and Oversight Plan

Part IV: Reporting Requirements

The Business Development Coordinator will submit quarterly reports to FHWA by the 15th of the month following each quarter. As such, a detailed accounting of the quarter's activities and expenditures will be required for these reports. The DBE Program is funded based on a calendar year. The following are the quarterly reporting periods:

- Quarter 1 – January 1 to March 31
- Quarter 2 – April 1 to June 30
- Quarter 3 – July 1 to September 30
- Quarter 4 – October 1 to December 31

Business Development Program (BDP)

The BDP hereafter refer to as the Map to Success, is a program designed to create the maximum practicable opportunities for DBEs/SBEs.

The primary objective is to increase their business growth through contracting and procurement opportunities, while utilizing Capacity Assessments to analyze capital and bonding capacities of the DBEs to compete in the market place.

The Map to Success will be available to all DBEs who wish to work on FHWA funded projects.

Alaska Unified Certification Program (AUCP) Liaison

The DBE/SBE Business Development Office will take on this responsibility to ensure that our AUCP partners are active in the DBE Annual Conference and will maintain a current AUCP directory with current point of contact information.

ADOT&PF

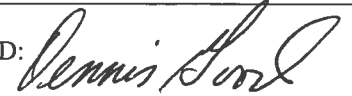
CIVIL RIGHTS OFFICE (CRO)

OPERATING METHODS

PROGRAM: OJT Support Services

AREA: DBE/SBE Business Development Office (formerly Support Services)

APPROVED:



DATE: Apr 2015

PURPOSE: To establish procedures for implementing and administering the Statewide On-the-Job (OJT) Support Services Program in compliance with federal regulations.

POLICY: The Alaska Department of Transportation and Public Facilities (ADOT&PF) has instituted the On-the-Job Training (OJT) program as a condition of continued funding for federally aided highway construction projects. Historically, it has been recognized that a need exists to train women and minorities in the construction trades. As a result, the objectives of the ADOT&PF OJT program are to:

- Provide training and improve the skills of women and minorities so that they have the opportunity and access to higher paying skilled trade jobs; to achieve journeyman status; and
- Broaden the labor pool to meet the projected future labor needs in the construction industry.

DISTRIBUTION: To all CRO Staff via electronic copy and follow up discussion during staff meetings

OPERATING METHODS

Authority and Guidelines:

The Disadvantaged Business Enterprise Liaison Officer (DBELO) has delegated authority to the Civil Rights Office (CRO) Manager within the ADOT/PF for matters pertaining to the OJT Support Services Program. Criteria used as applicable.

Program Elements - Overview

Funding

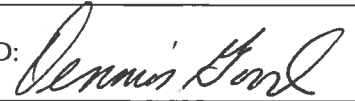
Funds are authorized under 12 U.S.C. 140(b) and allocated at the federal level in an amount of up to one-half of one percent (.5%) of the total available federal construction receipts designated to the State. The actual amount of funds used for OJT Support Services is an administrative decision at the state level. A request to reallocate a portion of those monies for OJT Support Services is made by the CRO Manager to the Commissioner of ADOT&PF; who makes the final appropriation determination. Federal receipts are matched with state dollars (interstate ratio:

OPERATING METHODS

PROGRAM: OJT Support Services

AREA: DBE/SBE Business
Development Office (formerly Support
Services)

APPROVED:



DATE: Apr 2015

93% federal, 7% state). Once authorized at the state level, federal authority is finalized after the OJT Support Services Statements of Work (SOW) and accompanying budget is approved by the FHWA Civil Rights/Right of Way Specialist.

The Business Development Coordinator submits annually for additional OJT Supportive Services monies that are formula based. These dollars are used toward the implementation of the OJT reimbursement program, outreach, career readiness initiatives and construction career days. An OJT SOW is a mandatory submittal of no more than 10 pages.

OJT Program

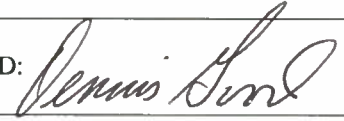
The OJT Program Support Services is a federally funded program designed to assist minorities and females who aspire to work and/or embark on a construction related career. OJT Support Services provides several pathways to bring a level of awareness and offer career readiness opportunities for this underrepresented group. These pathways include:

- Alaska Construction Career Days (ACCD). This awareness program takes high school students on a day long, hands-on-exploration of construction trades which gives them exposure to a wide variety of construction and transportation careers. Labor unions, construction companies, UAA, UAF, school districts, state agencies, trade and professional organizations are key stakeholders that collaborate to host this event. Funds permitting, the following school districts participate in ACCD:
 - Anchorage School Districts
 - Matsu School Districts
 - Kenai Peninsula Borough School Districts
 - Southeast School Districts
- All ACCD logistical planning forms, letters and schematics are located on the CRO R drive\OJT Support Services\ACCD
- Career Readiness Certificate (25A-310 DOT – Section 5- Training Program) specifies the roles and responsibilities of the contractor who has to fulfill OJT Goal requirements for women or minorities on FHWA funded projects. This section identifies career readiness certificates that the contractor should offer the trainee in an effort to enhance their marketable skills.

General OJT Support Services

The Business Development Coordinator conducts the following OJT supportive services:

- Provides Sec 645 technical training



OPERATING METHODS

- Sets OJT Goals
- OJT/SSC sets OJT Goals
- Monitors and tracks hours and trainees on projects with OJT Goals utilizing the BIZTRAK data system.
- Conduct quality assurance reviews of trainees to ensure discriminatory practices are not occurring and that the Apprentices/Trainees are getting the job experience they need to gain marketable skills within the construction industry in addition to advancing in their career paths.
- Conducts outreach initiatives in efforts to recruit women and minorities into the construction trades. This outreach is in partnership with Associated General Contractors (AGC) and other key construction stakeholders.
- Implements career related curriculum within an educational institution. The Business Development Office is currently exploring the implementation of TRAC and RIDES (ASSHTO program) at local schools.

50% OJT Reimbursement Program

This program is designed to assist trainees by offsetting the cost of:

- tools
- education
- day care
- Travel (bus passes, shuttle business service, train pass).

The application is available on the CRO website www.dotcivilrights.alaska.gov

Statements of Work (SOW)

The SOW is due March 15th of each year and covers four major components outlined below. These components should be detailed in its activities and have measurable outcomes.

PART I: Program Design

- Purpose
- Program Goals and Objectives
- Result Oriented Objectives

PART II: Budget Summary

ADOT&PF **CIVIL RIGHTS OFFICE** (CRO)

OPERATING METHODS

PROGRAM: OJT Support Services

AREA: DBE/SBE Business
Development Office (formerly Support
Services)

APPROVED:



DATE: Apr 2015

PART III: Evaluation, Monitoring and Oversight Plan

Part IV: Reporting Requirements

The OJT Support Services Coordinator will submit quarterly reports to FHWA by 15th of the month following each quarter. As such, a detailed accounting of the quarter's activities and expenditures will be required for these reports. The OJT Program is funded based on the Federal Fiscal Year. The following are the quarterly reporting periods:

Quarter 1 – October 1 to December 31

Quarter 2 – January 1 to March 31

Quarter 3 – April 1 to June 30

Quarter 4 – July 1 to September 30