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Joe McInnes
Transportation Director

January 29, 2007

Construction Information Memorandum No. 1-2007

TO: Division Engineers
ATTN: Division Construction and Division County Transportation Engineers
FROM: Terry McDuffie, P.E. *Terry McDuffie*
Construction Engineer
RE: Form DBE-11 *Certification of Actual Payments to DBE Firms*

Attached you will find Form DBE-11 *Certification of Actual Payments to DBE Firms* (i.e. the "CAP" form). This form has been used on federal-aid projects for many years under the requirements outlined in CIM 5-86.

Due to the current oversight of ALDOT's DBE Program and recent changes in the Standard Specifications, it has become necessary to modify the form and its requirements. The modifications include minor changes such as a form number (which is consistent with other ALDOT forms), various wording changes (which are consistent with other ALDOT specifications and policies), and the addition of the non-DBE Subcontractor certification. This certification is similar to that on Form OE-110 Page 2 and is required to be completed when the DBE Subcontractor works for a non-DBE under the Prime Contractor.

The CAP form is still required for each DBE that works on a federal-aid contract regardless of whether the contract contains a specific DBE goal (or not) or the DBE is included on the approved Utilization Plan. The form shall be executed for each DBE subcontractor after concurrence of the final quantities and shall be submitted to the project engineer who will in turn forward to the Division and the Division to this office for review prior to the final estimate. A copy will no longer be submitted to the Equal Opportunity Coordinator (in the Personnel and Compliance Bureau).

This CIM supersedes CIM 5-86. Please remove this superseded CIM from your files.

In addition, you will find revised versions of Form DBE-10, Form OE-110 *DBE Utilization Plan*, and Form OE-110 Page 2 *DBE Certification/Commitment*. The DBE-10 Form has several format modifications and includes new fields for Units and Units Performed to Date. It also includes new instructions on Page 2 that detail the required information and submittal requirements.

These changes for the DBE-10 were prompted because of submittal errors and discrepancies with the amount of work performed to date. The revised version of the form has been created in Excel, and the electronic version of the form includes several features such as drop down fields and formulas in certain cells such as Amount Performed that will calculate the figures based on other data entered. It is anticipated that this new format should minimize future discrepancies.

The OE-110 and OE-110 Page 2 forms have been reformatted and certain unnecessary fields have been deleted. Others have been expanded and revised to clarify the work to be performed by the DBE (i.e. Type of Firm and Description of Work fields). These modifications should provide a consistent format and a better understanding of the DBE's work and their unit prices. Other changes include the addition of instructions at the bottom of Form OE-110 and the relocation of the DBE subcontractor's address to the DBE Subcontractor's Certification section on Form OE-110 Page 2.

These revised forms coincide with the revised DBE specifications (Section 111) that are effective with the February 28, 2007 letting. However, the forms shall be used on all ongoing projects effective March 1, 2007. The new DBE Utilization Plan submittal is not required for ongoing projects unless the participation is being changed, and a revised U-Plan is required.

Electronic versions of all three forms will be made available in the near future and will be emailed to the Construction Engineers, County Transportation Engineers and EEO Coordinators in each Division as well as being posted on ALDOT's *Project Letting* website.

This CIM does not change the basic requirements outlined in CIM 1-2004, but only modifies the forms required by this policy. If the requirements for forms and submittals in this CIM and the DBE specifications conflict with the guidelines outlined in the Construction Manual, this CIM and/or the specifications will govern.

Should you have questions concerning this memorandum, please contact this office.

TM/GMB/WJP/wjp

Attachments

pc: Mr. D. W. Vaughn
Mr. G. M. Harper
Mr. Lamar Woodham
Mr. Ronnie Baldwin
Mr. Ron Green
Ms. Alvena Williams
Mr. Alton Treadway
Mr. Mark Bartlett, FHWA
Alabama Road Builders Association
Alabama Asphalt Paving Association
Alabama Bridge Construction Association
Alabama DBE Contractors Association
American Concrete Pavement Association
DBE Issues File
File

ALABAMA DEPARTMENT OF TRANSPORTATION
Certification of Actual Payments to DBE Firms

Project No.: _____
County: _____

1. The undersigned prime contractor on the above referenced Federal Aid Project No. hereby certifies that full payment was made, or will be made within seven (7) calendar days after final payment, to the DBE firm listed for work performed and/or materials furnished under this project's contract as follows:

DBE Firm Name: _____
was or will be paid \$ _____

Note: this amount does / does not include gross receipts tax and bond.
(circle one) (circle if applicable)

This certification is made under Federal and State laws concerning false statements. Supporting documentation for this payment is subject to audit and should be retained for a minimum of three (3) years from the final acceptance date.

If the DBE Subcontractor/Supplier works for a Non-DBE Subcontractor under the Prime Contractor, the Non-DBE Subcontractor must also complete the form.

Prime Contractor	Non-DBE Subcontractor
By: _____ signature	By: _____ signature
Name: _____ please print	Name: _____ please print
Title: _____	Title: _____
Date: _____	Date: _____

2. The undersigned subcontractor/supplier for the above named project hereby certifies that payments were received, or are due to be received as stipulated above.

DBE Subcontractor/Supplier

By: _____
signature

Name: _____
please print

Title: _____

Date: _____

File

Mr. J. D. McJill



GEORGE C. WALLACE
GOVERNOR

STATE OF ALABAMA
HIGHWAY DEPARTMENT

MONTGOMERY, ALABAMA 36130

RAY D. BASS
HIGHWAY DIRECTOR

JAT
[Signature]

June 18, 1986

CONSTRUCTION INFORMATION MEMORANDUM NO. 5-86

TO: All Division Engineers
FROM: William J. Hartzog
Construction Engineer *WJH*
RE: Certification of Actual Payments to DBE Firms

Attached is a copy of the subject certification form from the Construction Manual. In the past this form has been required on all contracts containing specific DBE percentage goals.

In the future, this form should be executed on all federal-aid projects on which there was DBE participation regardless of whether the contract contained a specific goal or not. This form should be executed prior to submission of the final estimate to Montgomery for payment.

The form will not be a part of the final estimate submittal; however, one (1) copy should be furnished to the Equal Opportunity Coordinator in Montgomery as soon as the form is executed.

Your usual fine cooperation will be appreciated.

WJH/cj

Attachment

cc: Mr. John L. Blankenship
Federal Highway Administration
File

ALDOT FORM DBE-10

1. Project Number:		2. County:		3. Division:	
4. Prime Contractor:		5. DBE:			
6. Date:	7. ALDOT Estimate:		8. Estimate Period:	From:	To:

9. Description of Work: (Pay Item No. & Description)		10. Type Firm (C/S/M/BF)	11. Unit Price	12. Units	13. Units Worked	14. Amount Performed this Period	15. Units Performed to Date	16. Amount Performed to Date
Pay Item No.	Item Description							
17. Comments:						18. Total:	19. Total:	

20. Signature of Authorized Representative:	Printed Name & Title	Date Signed

Alabama Department of Transportation

ALDOT Form DBE 10 Instructions

Block Number	Instructions
1 .	ALDOT Project Number
2 .	County
3 .	Division
4 .	Prime Contractor for the Project
5 .	DBE for this Report
6 .	Date of Report
7 .	ALDOT Estimate Number
8 .	Work Period for this Estimate (Beginning Date - Ending Date)
9 .	Description of Work - Must include Pay Item No. and Description (Also denote if Partial such as Hauling, Stocking, Furnish & Tie, S.I.P. Forms, etc.)
10 .	Type of DBE, i.e. Contractor (C), Supplier (S), Manufacturer (M), or Brokerage/Fee (BF) work
11 .	Unit Price of Work
12 .	Units
13 .	Units of Work Accomplished this Period
14 .	Amount Performed for this Period (Block 11 times Block 13)
15 .	Units Performed to Date
16 .	Amount Performed to Date (Block 11 times Block 15)
17 .	Comments Pertinent to this DBE-10
18 .	Total of Amounts in Block 14
19 .	Total of Amounts in Block 16
20 .	Signature of Prime Contractor's Authorized Representative, Printed Name & Title and Date Signed
Submittals:	<ol style="list-style-type: none">1) Invoices are required for all supplier and manufacturer credit.2) Tickets are required for all "Stocking the Plant" hauling.3) In lieu of completing the form, the prime contractor may note "See attached" on the form and attach a similar form (i.e. subcontractor estimate) provided it has the same data. If the contractor chooses to do this, he will have to adjust the credit on the actual DBE-10 if the DBE is a supplier.
Notes:	<ol style="list-style-type: none">1) If data is entered electronically via Excel file, Blocks 14, 16, 18 and 19 will calculate amounts and totals based on unit entries.2) The form format is for the contractor's convenience. Every effort is made to ensure accuracy, but the prime contractor is responsible for checking all calculations prior to submittal.3) The worksheets in this workbook are protected (but not password protected) to allow you to tab through only the fields that require data entry. If you need to make changes to the worksheet you can unprotect the worksheets by going to the menu (Tools Protection UnProtect Sheet). Just remember if you unprotect a worksheet, you will need to check the accuracy of the calculations to make certain the formulas were not altered or that the formulas work correctly.

**Alabama Department of Transportation
Disadvantaged Business Enterprise (DBE) Utilization Plan**

Project Number & County: _____
 Letting Date: _____
 Contract Amount: _____
 Percent DBE Utilization Required: _____

Contractor Name: _____
 Address: _____

DBE Firm Name & Certification Number	Type of Firm	Pay Item No.	Description of Work (include quantities and subcontract unit prices <i>OR</i> list the type of work and attach additional pages for details)	Dollar Amount
Name: Cert. Number:				
Name: Cert. Number:				
Name: Cert. Number:				
Name: Cert. Number:				
Name: Cert. Number:				

Instructions:

1. This plan must be submitted within the timeframe specified by the contract after notification of apparent low bid.
2. The plan must indicate the contractor will meet the DBE goal noted in the proposal or documentation of good faith effort must be attached.
3. Type of Firm – Contractor, Supplier, or Manufacturer

Total Dollar Amount to DBEs: \$ _____
Required Dollar Amount of DBE Utilization: \$ _____

ALDOT Approval: _____

Date: _____

Project Number: _____

County: _____

Certification of Prime Contractor:

I do hereby agree to commit this firm to use the certified DBE subcontractor(s) to perform the above described work in this contract. I hereby certify that all DBE subcontractor activities on this contract shall be performed in accordance with the current 49CFR Part 26 Regulations. I certify that all DBE activities, both race conscious and race neutral, shall be properly reported. I further certify that the reporting of DBE activities shall be in accordance with the above Regulations.

Print name of Authorized Representative: _____

Signature of Authorized Representative: _____

Date: _____

Certification of Non-DBE Subcontractor: _____

I hereby certify that my DBE Subcontractor(s) on this contract shall perform all activities in accordance with the current 49CFR Part 26 Regulations. I certify that all DBE activities, both race conscious and race neutral, shall be properly reported. I further certify that the reporting of DBE activities shall be in accordance with the above Regulations.

Print name of Authorized Representative: _____

Signature of Authorized Representative: _____

Date: _____

Certification of DBE Subcontractor: _____

Address: _____

I do hereby agree to participate and perform the work described above. I have been advised of the DBE responsibilities and am available, willing and able to complete the work. I hereby certify that my activities as a DBE Subcontractor on this contract shall be performed in accordance with the Current 49CFR Part 26 Regulations. I certify that my activities, both race conscious and race neutral, shall be properly reported. I further certify that the reporting of my activities shall be in accordance with the above Regulations.

Print name of Authorized Representative: _____

Signature of Authorized Representative: _____

Date: _____

DBE Certification Number: _____