

11-4 Review and Complete Section E of the Form 1420 and Section D of the Form 1415, if applicable, for Termination, Reduction, and/or Substitution (RCRO)



Details

Responsible Parties

- Region Civil Rights Office (RCRO)

Revision Date of this Document

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Document Owner

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Procedure Objective

This document is intended to assist the Region Civil Rights Office (RCRO) with reviewing and completing Section E of the CDOT Form 1420 to request a termination, reduction, and substitution and completing Section F of the CDOT Form 1415, if applicable, to request additional eligible participation due to an approved substitution.

Additional Information

The Prime Contractor shall notify the Disadvantaged Business Enterprise (DBE) in writing of the contractor's intent to terminate or reduce the commitment, and the underlying reason(s) before submitting the CDOT Form 1420 requesting the proposed commitment modification. The Prime Contractor shall wait the full five day response period before submitting the CDOT Form 1420 to CDOT. The Prime Contractor is not required to provide the five days written notice in cases where the DBE has provided written notice that they are withdrawing from their subcontract or purchase order. In these instances, the written notification of withdrawal shall be provided with the CDOT Form 1420 submission.


System Procedures

1. Upon receipt of the submitted CDOT Form 1420 and supporting documentation from the CDOT Project Engineer/Manager (PE/PM), the Region Civil Rights Office shall review the contents of the form and documentation.

2. The Region Civil Rights Office should ensure that the form is completed in its entirety with all appropriate fields entered.

3. Terminations or Reductions

- a. If the CDOT Form 1420 is being submitted for a termination or reduction request, the written notification to the DBE and any response from the DBE shall be included with the submission. If this documentation is not included, the RCRO should select “Recommend for Rejection” in Section E, box 21e and include in the comments that the CDOT Form 1420 cannot be evaluated without a copy of the written notice of intent to the DBE.
- b. When reviewing a modification request for a termination or reduction, refer to Section 5. Commitment Modifications (a) Good Cause Requirement of the DBE Standard Special Provision for a list of some reasons for good cause. Please note that this is not an exhaustive list. Good cause does not exist if the Prime Contractor seeks termination or reduction so that they can self-perform the work for which the DBE has engaged in or solely so that the Prime Contractor can substitute for another DBE or non-DBE contractor after contract award.
- c. Upon determination after review of the CDOT Form 1420 and all supporting documentation, complete Section E, box 21e with either a recommendation for approval or recommendation for rejection.

Section E. Determination				
21. Project Owner Representatives (CDOT or Subrecipient/Local Agency):				
a. Title	b. First & Last Name	c. Signature	d. Date	e. Determination
CDOT Region Civil Rights Office				<input type="checkbox"/> Recommend for Approval <input type="checkbox"/> Recommend for Rejection


- d. If the RCRO’s determination is “Recommend for Rejection,” include all reasons for the rejection recommendation in an email when submitting the form to the CDOT PE/PM.

4. Substitutions

- a. The Prime Contractor is able to either submit the substitution on the same CDOT Form 1420 as the reduction/termination request OR submit a separate CDOT Form 1420 for the substitution after the termination/reduction is approved. If the CDOT Form 1420 includes both a reduction/termination and substitution request, the RCRO shall include both recommendations in an email to the PE/PM.
- b. If a substitution request is submitted on the same CDOT Form 1420 with the termination/reduction and the final determination is that the termination/reduction is rejected, it shall be identified on the form that the termination or reduction has been rejected with the detailed reasons and as a result the substitution request is not applicable as the substitution was contingent upon the approval of the termination or reduction.

- c. When a final determination results in an approved terminated or reduced commitment (including when a DBE withdraws), the Prime Contractor shall make good faith efforts to find another DBE to substitute for the original DBE up to the contract goal.
- d. To make a substitution, the Prime Contractor may:
 - i. Make a new commitment to any unperformed work on the contract by providing a completed Form 1415, Commitment Confirmation for each new DBE commitment;
 - ii. Increase the amount of an existing commitment for any unperformed work on the contract by submitting a revised Form 1415 for that commitment; or
 - iii. Utilize any Race-Neutral Eligible Participation on the contract performed before the Form 1420 submission as part of their good faith efforts pursuant to this subsection by submitting a completed Form 1420.

5. Upon determination, after review of the CDOT Form 1420 and all supporting documentation, complete Section E, box 21 with either a recommendation for approval or recommendation for rejection.

Section E. Determination				
21. Project Owner Representatives (CDOT or Subrecipient/Local Agency):				
a. Title	b. First & Last Name	c. Signature	d. Date	e. Determination
CDOT Region Civil Rights Office				<input type="checkbox"/> Recommend for Approval <input type="checkbox"/> Recommend for Rejection

6. Provide the completed CDOT Form 1420 to the CDOT PE/PM for his/her final approval/rejection. Follow-up with the CDOT PE/PM if required.
7. If the CDOT Form 1420 is ultimately approved by the CDOT PE/PM and a substitution is required, and the Prime Contractor submits a new commitment to any unperformed work or to increase the amount of an existing commitment for any unperformed work on the contract, a CDOT Form 1415 can be submitted concurrently with the CDOT Form 1420 or after the CDOT Form 1420 is approved for a termination or reduction.
8. Upon receipt of the submitted CDOT Form 1415 from the CDOT Project Engineer/Project Manager (PE/PM), the Region Civil Rights Office shall review the contents of the form and submitted documentation.

Note: The approval/denial of the CDOT Form 1415 for a substitution shall not be completed until after there has been a final determination that a reduction or termination was approved by the PE/PM.

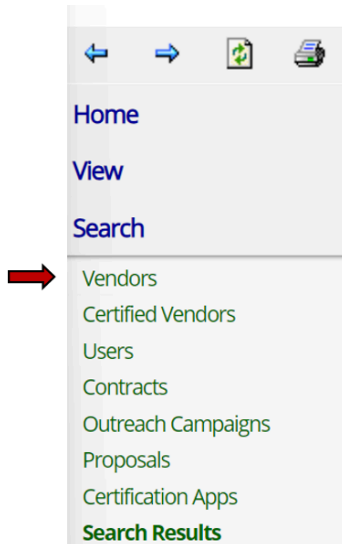
9. The Region Civil Rights Office should ensure that the form is completed in its entirety with all appropriate fields entered.

10. Steps 11-18 of this process guide shall be followed to determine if the DBE is currently certified to perform the work included on the CDOT Form 1415.

11. Log into the B2GNow system at <http://cdot.dbesystem.com>.



12. Under “Search” click on “Vendors.”



13. Type the DBE subcontractor name and other applicable search criteria.


Advanced Search Parameters	
ETHNICITY	Select one or more ▼
GENDER	Select one or more ▼
VENDOR STATUS	All Vendors ▼
SITE VISIT	-- Select Option -- ▼ a site visit between <input type="text" value="mm/dd/yyyy"/> and <input type="text" value="mm/dd/yyyy"/> for any purpose ▼
COUNTY	Select one or more ▼
FEIN/TAX ID NUMBER	<input type="text"/>
OTHER IDENTIFIERS	<input type="text"/> DUNS Number, Unique Entity Identifier, CAGE Code
SYSTEM VENDOR NUMBER	<input type="text"/>
FAVORITE VENDORS	<input type="checkbox"/> Limit results to any vendor marked as favorite by me only ▼
LIMIT TO "CONNECTED" VENDORS	<input type="checkbox"/> "Connected" vendors include firms that are assigned to your records in this system and will exclude all other vendors.

Note: It is recommended to enter the FEIN/Tax ID Number, if available within the “Advanced Search Parameters.”

14. Click “Search.”

Actions
Go To ...
Go To ...
Go To ...
Go To ...

15. Click “Certifications.”

Business Information View & Edit	Vendor Profile QuickView	Business Highlights
Users	Contacts & Owners	 Certifications
Contracts	Prequalifications	Documents
Comments		

16. Review if the firm holds a current DBE certification under “Current Certification” by looking at the “Effective” and “Renewal” dates.

[New Detailed Record](#)[New Simple Record](#)[Change Request List](#)**Current Certifications**

Type	Action	Effective	Renewal	Organization	Actions
ESB	Renewal	7/19/2023	9/30/2024 (End: 9/30/2025)	Colorado Department of Transportation	View Edit ⓘ
DBE	No Change Affidavit	7/19/2023	8/31/2024	Colorado Department of Transportation	View Edit ⓘ

17. To review the NAICS codes that the DBE firm is certified in, click “View” under “Actions.”

[New Detailed Record](#)[New Simple Record](#)[Change Request List](#)**Current Certifications**

Type	Action	Effective	Renewal	Organization	Actions
ESB	Renewal	7/19/2023	9/30/2024 (End: 9/30/2025)	Colorado Department of Transportation	View Edit ⓘ
DBE	No Change Affidavit	7/19/2023	8/31/2024	Colorado Department of Transportation	View Edit ⓘ

Business Capabilities

BUSINESS CERTIFIED FOR

Land restoration, reseeding, landscaping, weed control, erosion control, fencing.

FULL DESCRIPTION OF CAPABILITIES/PRODUCTS

Land restoration, reseeding, landscaping, weed control, erosion control, fencing.

COMMODITY CODES

Status	Type	Code	Description	Primary	Tag
Active	NAICS	237990	Anchored earth retention contractors (More)		
Active	NAICS	237990	Avalanche, rockslide, mudslide, or roadside protection construction (More)		
Active	NAICS	237990	Canal construction (More)		
Active	NAICS	237990	Channel construction (More)		
Active	NAICS	237990	Drainage canal and ditch construction (More)		
Active	NAICS	237990	Drainage project construction (More)		
Active	NAICS	237990	Earth retention system construction (More)		
Active	NAICS	237990	Flood control project construction (More)		

18. Compare the NAICS codes listed in B2GNow with the NAICS codes included on the CDOT Form 1415 in Section B, box 18 c.

Section B. Commitment Details. This section must be completed by the Bidder/Prime Contractor.				
18. DBE Commitment Details				
a. Work Category	b. Work to be Performed	c. DBE Work Code(s) (NAICS + Descriptor)	d. Commitment Amount	e. Amount Eligible for DBE Participation
Construction				
Trucking				
Supplies				
Services				
Other				
Design Services (for FHWA-funded Design-Build contracts and FTA Consultant Contracts only)				
Total:				

19. After review of the CDOT Form 1415 and a determination has been made, complete Section D of the CDOT Form 1415, including any applicable comments.

Note: It is recommended to include the DBE certification effective dates in the comments section.

SECTION D. Determination. This section must be completed by the CDOT Region Civil Rights Office or the CDOT Civil Rights Business Resource Center staff member.			
27. Review of Request	<input type="checkbox"/> Approved <input type="checkbox"/> Denied		
28. Comments			
29. CDOT Representative			
a. Name	b. Title	c. Signature	d. Date of Decision

20. Provide the signed CDOT Form 1415 and CDOT Form 1420 to the CDOT PE/PM.

21. The Region Civil Rights Office has successfully reviewed and completed Section E of the CDOT Form 1420 and Section D of the CDOT Form 1415, if applicable.