

11-5 Review and Complete Section E of the CDOT Form 1420 for Termination, Reduction, or Substitution (CDOT PE/PM)



Details

Responsible Parties

- CDOT Project Engineer/Project Manager (PE/PM)

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Document Owner

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Procedure Objective

This document is intended to assist the CDOT Project Engineer/Manager with reviewing and completing Section E of the CDOT Form 1420 to request a termination, reduction, or substitution for any applicable Disadvantaged Business Enterprise (DBE) firms that have a commitment on a project.

Additional Information

The Prime Contractor shall notify the 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 CDOT Form 1420 and supporting documentation from the Region Civil Rights Office (with Section E box 21 completed by the RCRO) the CDOT PE/PM shall review the contents of the form and documentation.
2. The CDOT PE/PM 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 PE/PM should select "Reject" in the 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 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.

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 a substitution request is submitted on the same CDOT Form 1420 with the termination/reduction and 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.
 - b. 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.
 - c. 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 an approval or rejection. Include applicable comments supporting the determination in the comments section in box 22. If both the reduction/termination AND the substitution requesting approval to utilize any race-neutral

participation is on the same Form 1420, the approval/rejection shall be delineated in the comments section to include the determination of both requests.

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
Project Engineer/Manager				<input type="checkbox"/> Approve <input type="checkbox"/> Reject

6. Provide a copy of the completed CDOT Form 1420 to the Region Civil Rights Office and the Prime Contractor.
7. The CDOT PE/PM has successfully reviewed and completed Section E of the CDOT Form 1420.