

12-1 Submit Additional DBE Eligible Participation for Contract Modification Order – CDOT Form 1415/1420 (Prime Contractor)



Details

Responsible Parties

- Prime Contractor

Revision Date of this Document

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Document Owner

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Procedure Objective

This document is intended to assist the Prime Contractor with completing a CDOT Form 1420 and CDOT Form 1415, if applicable, to request additional DBE eligible participation due to a Contract Modification Order (CMO).

System Procedures

1. Upon execution of a CDOT Contract Modification Order that adds new work items or increases the total dollar amount of the contract, the Prime Contractor shall review the current DBE commitments on the utilization plan and determine if additional eligible participation is required in order to meet the DBE contract goal. If additional participation is required, steps 2-13 of this process guide shall be completed.
2. Download the CDOT Form 1420 from the CDOT Forms Catalog at <https://www.codot.gov/about/forms>.

CDOT Forms Catalog

Use this page to find CDOT forms on a variety of topics. Please note: If you intend to fill out a form for submission, please first download it and save it. Do not fill it out in your web browser.

Forms can be located by scrolling through the list or by using the search/filter tiles for the Program owner of the form, the Form Number, or the Form Title. Once located click on the File Hyperlink which will take you to the form.

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- Complete Section A of the CDOT Form 1420.

COLORADO DEPARTMENT OF TRANSPORTATION DBE PARTICIPATION PLAN MODIFICATION REQUEST (CDOT Form 1420)			
Section A. Prime Contractor and Project Information			
1. Project S/A No. or PCN Number (5 digit #):		2. FHWA Project #, Subaward Agreement # from COTRAMS (FTA contracts), or PO # (for CM/GC-CM contracts):	
3. Project Name:		4. Name of Prime Contractor:	
5. Prime Contractor's Contact Name:		6. Prime Contractor's Contact Title:	
7. Prime Contractor's Contact Email:		8. Prime Contractor's Contact Phone Number:	
9. Applicable Small Business Goals (To be completed ONLY for FHWA-funded Design-Build contracts)		<input type="checkbox"/> DBE Design Goal <input type="checkbox"/> DBE Construction Goal	
Applicable Contract Year: (July 1, <input type="text"/> - June 30, <input type="text"/>)			

Note: Section A, box 9. shall only be completed for FHWA-funded Design-Build projects.

- Complete Section B of the CDOT Form 1420. For additional guidance in this section, refer to the CDOT Form 1420 Instructions.

Section B. Contract Summary to Date (not including this request)			
10. Original Contract Amount:		11. Total Change Orders (to date):	
12. Total Other Adjustments (to date):		13. Adjusted Contract Amount (applicable to goal):	
14. Goal (to date):	\$ <input type="text"/> %	15. Commitment (to date):	\$ <input type="text"/> %
16. Participation (to date):	\$ <input type="text"/> %		


- Complete Section C of the CDOT Form 1420. Check the "Contract Modification Orders" box and the appropriate box under this category for how the Prime Contractor will count eligible DBE participation. Complete the explanation of request under box 18. Attach any supporting documentation and additional pages as necessary.

Section C. Request for Approval Attach supporting documentation and additional pages as necessary.	
17. Reason(s) for modification (check all that apply) and complete the explanation(s) of request in Box 18.	
<input type="checkbox"/>	Termination (Attach copy of notice to DBE.)
<input type="checkbox"/>	Reduction (Attach copy of notice to DBE.)
<input type="checkbox"/>	Substitution (up to the contract goal) (Explain in Section 18b below.)
<input type="checkbox"/>	New Commitment to any unperformed work (Attach CDOT Form 1415.)
<input type="checkbox"/>	Increase the amount of existing Commitment for any unperformed work (Attach revised CDOT Form 1415.)
<input type="checkbox"/>	Recapture of prior Race-Neutral Participation (DBE participation that was not a part of a DBE Commitment)
<input type="checkbox"/>	Contract Modification Orders
<input type="checkbox"/>	New Commitment to any unperformed work (Attach CDOT Form 1415.)
<input type="checkbox"/>	Increase the amount of existing Commitment for any unperformed work (Attach revised CDOT Form 1415.)
<input type="checkbox"/>	Utilizing other Eligible Participation on the Contract as part of Good Faith Efforts pursuant to this Section.
<input type="checkbox"/>	New Commitment (Attach CDOT Form 1415.)
<input type="checkbox"/>	Modification of Annual Utilization Plan - to be selected ONLY for FHWA-funded Design-Build contracts

Section C. Request for Approval (continued...) Attach supporting documentation and additional pages as necessary.	
18. Explanation of Request -- Within this explanation, include the commitment to date and participation to date for each DBE included in this request and reference any supporting data provided.	
a) In order to modify the Commitment, either through a Termination or Reduction, list the reason(s) for the good cause .	
<div style="background-color: #e6f2ff; height: 60px;"></div>	
b) When a Substitution is required (after a Termination or Reduction is approved), include a description of how the Contractor will substitute DBE participation for the original DBE Commitment (up to the contract goal). Include the participation to date and Commitment to date for the DBE that is being substituted. For the recapture of prior Race-Neutral Participation (DBE participation that was not a part of a DBE commitment), include the name of the DBE firm.	
<div style="background-color: #e6f2ff; height: 60px;"></div>	
c) All other explanation of requests should be included here.	
<div style="background-color: #e6f2ff; height: 100px;"></div>	

Note: Any option that the Prime Contractor chooses to add additional DBE participation shall have a CDOT Form 1432 completed for the DBE.

6. An authorized representative shall sign and date on behalf of the Prime Contractor.

Section D. Prime Contractor Signature By signing this form, the Contractor certifies under penalty of perjury, and other applicable state and/or federal laws that the statements appearing on this form are true and correct.			
19. Prime Contractor Signature:		20. Date:	

- If additional eligible participation is required by making a new commitment to any unperformed work on the contract or increasing the amount of an existing commitment for any unperformed work on the contract, the Prime Contractor shall follow steps 8-13 of this process guide.
- Download the CDOT Form 1415 from the CDOT Forms Catalog at <https://www.codot.gov/about/forms>.

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- Complete Section A in its entirety.

COLORADO DEPARTMENT OF TRANSPORTATION					
COMMITMENT CONFIRMATION (CDOT Form 1415)					
Section A. Bidder/Prime Contractor and DBE Information. This section must be completed by the Bidder/Prime Contractor.					
1. Project S/A No. or PCN Number (5 digit #):		2. FHWA Project #, Subaward Agreement # from COTRAMS (FTA contracts), or PO # (for CM/GC-CM contracts):		3. Project Name:	
4. Name of Bidder/Prime Contractor:		5. Bidder/Prime Contractor's Contact Name:		6. Bidder/Prime Contractor's Contact Title:	
7. Bidder/Prime Contractor's Contact Phone Number:		8. Bidder/Prime Contractor's Contact Email Address:		9. Name of DBE Firm:	
10. DBE Firm Physical Address:		11. DBE Contact Name:		12. DBE Contact Email Address:	
13. DBE Contact Phone Number:		14. Subcontracted to Whom:	<input type="checkbox"/> if Prime		
15. Is the DBE part of a Joint Venture? (if Yes, attach joint venture agreement)	<input type="checkbox"/> Yes <input type="checkbox"/> No		16. Anticipated Work Start Date:		
17. Applicable Small Business Goals (To be completed ONLY for FHWA-funded Design-Build contracts)			<input type="checkbox"/> DBE Design Goal <input type="checkbox"/> DBE Construction Goal Applicable Contract Year: (July 1, <input type="text"/> - June 30, <input type="text"/>)		

- In Section B, enter the commitment details, including the work to be performed by the DBE, the corresponding DBE work code for the work to be performed, the "Commitment Amount" (in \$), and the "Amount Eligible for DBE Participation" (in \$).

Note 1: The "Commitment Amount" should be identical to the "Eligible Participation" amount unless the DBE is subject to special DBE counting rules for suppliers under 49 CFR 26.55(e), whereby regular dealers may only count 60% of the cost of materials and supplies as "Eligible Participation" by a DBE or brokers may only count the total amount of its commission and fees as "Eligible Participation" by a DBE. The "Commitment Amount" may

also be greater than the “Amount Eligible for DBE Participation” if the DBE is subcontracting out any work to a non-DBE firm.

Note 2: Eligible participation is the work by a DBE which counts as valid DBE participation on the contract and may be used towards fulfillment of a commitment. The DBE must be certified by the Colorado UCP in the work to be performed. DBEs are certified in particular areas of work which are designated by a work code. Each DBE’s work codes can be found on their profile on the Colorado UCP DBE Directory.

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:				

11. An authorized representative should sign on behalf of the Prime Contractor. Include the printed name, title, signature, and date.

19. Bidder/Prime Contractor Representative:			
This section must be signed by an individual with the authority to contractually bind the Bidder/Prime Contractor to the DBE commitment listed on this form. You declare under penalty of perjury in the second degree and any other applicable state or federal laws that the statements made in this document are complete, true, and accurate to the best of your knowledge. If a DBE commitment is being made and the subcontract is between a lower-tier subcontractor and a DBE firm (not the Prime Contractor), the Prime Contractor shall provide this signed CDOT Form 1415 to that lower-tier subcontractor and the DBE Standard Specification shall be followed.			
a. Name	b. Title	c. Signature	d. Date

12. Forward the form to the DBE subcontractor for the completion of Section C.

13. Upon receipt of the completed form from the DBE, submit the CDOT Form 1415 to the CDOT PE/PM.

14. The Prime Contractor has successfully completed and submitted the CDOT Form 1420 and CDOT Form 1415, if applicable to request additional DBE eligible participation due to a Contract Modification Order (CMO).