

# 13-2 Consider Additional Information and Document Recommended Payment Disincentives on the Certificate of Compliance Form (RCRO)



## Details

### Responsible Parties

- Region Civil Rights Office (RCRO)

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### Document Owner

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## Procedure Objective

This document is intended to assist the Region Civil Rights Office with the consideration of additional information provided by the CDOT Project Engineer/Project Manager (PE/PM) regarding the potential payment reductions/disincentives for the contract DBE and/or OJT goal and the documentation of the recommendation on the Certificate of Compliance form.

## System Procedures

1. After the review of the contract DBE/OJT goal conducted (process guide 13-1) and it was determined that based on the current information, the goal(s)/commitment has not been met, the Region Civil Rights Office reached out to the CDOT PE/PM to gather additional information from the Prime Contractor. For example, are all payments to DBEs made and entered into B2GNow? Have all Form 832s been submitted? Have all CDOT Form 1432s been submitted to count eligible participation?
2. After review of the project file and additional documentation provided by the PE/PM, the RCRO shall make a determination if it is recommended to issue a sanction to the Prime Contractor for not following the contract requirements for the contract DBE and/or the OJT goal. The recommendation shall be submitted to the PE/PM in writing with detailed information to include the recommended sanctioned dollar amount (including the math).
3. All financial sanctions shall be reported on the Certificate of Compliance form for both the DBE and OJT contract goal.

4. If the PE/PM makes a determination that the financial disincentive will not be issued, however, the RCRO still recommends the sanction, the RCRO shall identify this information on the Civil Rights Certificate of Compliance.

**Note:** The Civil Rights Certificate of Compliance (Final Close-Out) form is not a required form. However, if this form is not used, it is requested that the following information be captured on the certificate of compliance form used by the RCRO:

- DBE section- Total earnings amount, DBE contract goal, % of achieved DBE goal, was there a DBE payment reduction issued to the Prime as approved by the PE and RCRO, amount of payment reduction due to not meeting the DBE goal/commitment, did the RCRO recommend a DBE payment reduction and it was not approved by the project team and if so, indicate the reason why the payment reduction was not issued and the dollar amount.
  - OJT section- OJT contract goal, number of approved OJT hours achieved to date, CDOT Form 1336 approved, number of OJT hours requested for a waiver, updated required OJT hours (if 1336 approved), was there an OJT payment reduction issued to the prime contractor as approved by the PE and RCRO, amount of payment reduction due to not meeting the OJT goal, did the RCRO recommend an OJT payment reduction and it was not approved by the project team and if so, indicate the reason why the payment reduction was not issued and the dollar amount.
5. Go to process guide 13-3 for instructions on additional civil rights requirements for the project close out.
  6. The Region Civil Rights Office has successfully completed the review of additional documentation provided by the CDOT PE/PM in determining if the contract DBE and OJT goals are fulfilled or if sanctions are recommended to be issued.