

PROFESSIONAL SERVICES COMMERCIALY USEFUL FUNCTION QUESTIONNAIRE

General Information: A DBE performs a **commercially useful function** (CUF) when it is responsible for execution of the contract and is carrying out its responsibilities by managing, performing, and supervising the work involved. This questionnaire is intended to see if the DBEs role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed through in order to obtain the appearance of DBE participation. It is primarily the Prime Consultant's responsibility to ensure that the DBE firm is performing a CUF. The Prime Consultant shall submit a Professional Services Commercially Useful Function Questionnaire for each DBE that performs work or provides supplies in the North American Industry Classification System (NAICS) code. CDOT will not authorize the Civil Rights closeout until it receives a Professional Services Commercially Useful Function Questionnaire from the Consultant for each DBE whose participation is **counting toward the DBE contract goal** from the Master Contract. Any additional DBE firms added at Task Order level whose participation **counts toward the DBE contract goal** will also require CUFs. The DBE, Prime Consultant, and CDOT Project Manager shall fill out their portion of the form and sign the Professional Services Commercially Useful Function Questionnaire.

INSTRUCTIONS: The Prime Consultant shall complete this information and present it to the active DBE when the DBEs work is between **35%-50% complete and paid**. The ending date of work is the anticipated last day that the DBE will be on the job. Tracked signatures accepted in signature areas.

SECTION 1: PROJECT INFORMATION

Prime Consultant Name:	DBE Firm:
SAP PO # (B2GNow Task order #):	Begin and End Date of Work:

SECTION 2: DBE QUESTIONS

Instructions: The DBE owner or manager with contract signature authority shall complete the "DBE Questions" section of this form. The DBE Questions shall be answered when the work is between **35%-50%** completed on the project. Once completed, the DBE shall submit the form to the Prime Consultant.

What work did your firm perform on this job?

Did your firm subcontract out any portion of its work? Yes No

If yes, list firm name(s) and what portion of work (percentage and dollar amount)? If no, skip to next question.

Did your firm lease any employees or lease/rent equipment to perform the work (usually Construction Management contracts)? Yes No	
If yes, list resources and from whom. If no, skip to next question.	
Did your firm supply any materials to another firm (usually Construction Management contracts) ? Yes No	
If yes, list what materials and from what source they were acquired (i.e. self-manufactured, withdrew from inventory, purchased from another supplier, etc.) If no, skip to the signature.	
Printed Name:	Signature of Individual Completing Form:
Title:	Phone:

SECTION 3: PRIME CONSULTANT QUESTIONS
Instructions: The Prime Consultant shall complete the questions within 10 days of receipt from the DBE. Once complete, the Prime Consultant shall submit the form to the CDOT Project Manager.
To your knowledge, the DBE statements provided are true and correct. Yes No
If no, please explain.
Work performed was consistent with the B2GNow Utilization Plan submitted to CDOT? Yes No
If no, please explain.

Did your firm participate in the DBEs responsibilities in any way (negotiation of contract/price, payroll, employees, equipment, etc.) during this project? Yes No	
If Yes, please describe.	
Printed Name:	Signature of Individual Completing Form:
Title:	Phone:
SECTION 4: CDOT PROJECT MANAGER QUESTIONS	
<p>Instructions: The CDOT Project Manager will complete the “CDOT Project Manager Questions” section of the Professional Services Commercially Useful Function Questionnaire using information from Section 5 “CUF Guidance for CDOT Project Manager”. If the contract is using the B2GNow System, the CDOT Project Manager will upload completed form into the system.</p>	
Provide information related to what was observed on-site or what items were reviewed during the desk audit (include date of observation if selected)	
Does it appear that the DBE is performing a Commercially Useful Function? Yes No	
If no, please notify the Region Civil Rights Office.	
Printed Name:	Signature of Individual Completing Form:
Title:	Phone:

Section 5: CUF Guidance for CDOT Project Manager

General Information:

The CDOT Project Manager will evaluate whether a DBE firm participating on the contract (whether as a Consultant, subconsultant, vendor or supplier) is performing a Commercially Useful Function. In assessing whether a DBE is performing a Commercially Useful Function, the CDOT Project Manager's evaluation should be based on a holistic review of the DBE's performance through a combination of on-site observation and desk audits/document review. The list below is intended to provide key areas for review and should not be treated as a comprehensive checklist. If red flags are observed, the CDOT Project Manager will immediately contact the Region Civil Rights Office.

Management/Execution of Work

Potential Factors to Consider During On-Site Observation

- DBE shall be responsible for the execution of its contract (or subcontract) work
- DBE is actually performing, managing, and supervising the work involved in its contract (or subcontract). The work of the subcontract shall be performed by the DBE with its own workforce
- The DBE shall keep a regular workforce and has its own employees
- DBE supervisor shall be a full-time employee of the DBE
- Employees shall be supervised by the DBE supervisor
- DBE is scheduling work operations

Potential Factors to Consider During Desk Audit (Review of Records/Documents):

- Evaluation of the amount of work subcontracted, whether it is consistent with normal industry practices
- Whether the amount the firm is paid under the contract is commensurate with the work that is actually being performed to be credited towards the goal
- Certified Payrolls - N/A for Professional Services contracts

Red Flags for Management/Execution of Work

- The DBE provides little or no supervision of the DBE's work
- Key staff and personnel are not under the control of the DBE
- The DBE manager/superintendent is not a regular employee of the DBE
- The DBE's work is being performed by personnel normally employed by the prime Consultant or another business
- DBE owners are not aware of the status/performance of the work and inquiries are answered by the Prime

Equipment

Potential Factors to Consider During On-Site Observation:

- The DBE shall utilize its own equipment
- DBE shall be responsible for negotiating the price, determining quality and quantity of the temps, and paying invoices to indicate that DBE is the customer • invoices indicate that the DBE owner or Superintendent is the contact person
- Operation and temp employees of the equipment shall be subject to the full control of the DBE

Potential Factors to Consider During Desk Audit (Review of Records/Documents):

- Subcontract Agreement or Purchase Order
- Equipment ownership, rental, or lease documents
- Certified Payrolls - N/A for Professional Services

Red Flags for Equipment
<ul style="list-style-type: none"> • Equipment used by the DBE belongs to the prime Consultant or another business with no formal lease agreement
Materials (for material credit):
Potential Factors to Consider During On-Site Observation:
<ul style="list-style-type: none"> • DBE shall be responsible for the delivery of the materials • DBE shall be responsible for negotiating the price, determining quality and quantity of the material, ordering the material and paying invoices to indicate that DBE is the customer • Material invoices indicate that DBE owner or Superintendent is the contact person
Potential Factors to Consider During Desk Audit (Review of Records/Documents):
<ul style="list-style-type: none"> • Invoices
Red Flags for Materials
<ul style="list-style-type: none"> • Materials used by the DBE are ordered and/or paid for by the Prime Consultant without prior notice and/or approval • Materials used by the DBE are delivered to, billed to, or paid for by another business • Payment for materials is deducted by the Prime Consultant from its payments to the DBE