



**STATE OF ALASKA  
DEPARTMENT OF TRANSPORTATION  
AND PUBLIC FACILITIES**

# DBE CUF Verification

*Per 49 CFR 26.55, "A DBE performs a commercially useful function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved... A DBE does not perform a CUF if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of DBE participation..."*

*This form is to be used by Construction Administration field staff to verify CUF for DBE prime contractors, DBE subcontractors, and DBE joint ventures. Verify CUF for each DBE on a federally-assisted project. The verification review should be conducted when the DBE is substantially finished with their portion of the project work and should consider the compliance monitoring (inspection) performed by Construction Administration staff through the course of the project.*

*Attach additional documentation supporting DBE's CUF. Additional documentation may include, but is not limited to, photos of DBE performing work; photos of DBE's equipment or trucks with DBE firm name and certification number; and copies of subcontracts.*

DOT&PF INTERVIEWER NAME	DOT&PF INTERVIEWER AFFILIATE (IF CONSULTANT)	PHONE NUMBER
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PROJECT NUMBER (ID)	PRIME CONTRACTOR NAME
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DBE CONTRACTOR NAME

DESCRIBE DBE'S SCOPE OF WORK. [Review DBE Commitment, subcontract, trucking worksheet and/or purchase order(s), truck ticket(s), CUF Form 25A-298, etc., to assist in determining CUF compliance.]

**SUBCONTRACTS AND PURCHASE ORDERS**

Are all available purchase orders, subcontracts and/or trucking tickets, bills of lading, etc., on file in the project office? YES  NO  N/A

**EMPLOYEES**

Did the DBE firm have employees on the job?     
 Do they appear on the DBE firm's payroll? If no, provide details below     
 Do they appear on any other contractor's payroll? If yes, provide details below     
 Did the DBE firm employ a supervisor or foreman who was onsite directing their work? If so, provide their name below.

**PERFORMANCE**

Has any other contractor performed any of the DBE's work? If yes, explain in the comments section.

**TRUCKERS** *Please note on the IDR the trucks on site for the date of review (e.g., 3 trucks labeled XYZ Company, 2 from ABC Company).*

Does a review of the load tickets indicate that hauling is being done by the DBE (must check for off-site trucking)? If no, explain below.

**MATERIAL SUPPLIERS** *Please note on the IDR the delivery trucks seen on site for the date of review.*

Does the DBE's name appear on available invoices, delivery tickets, bills of lading, purchase orders, etc.?     
 If delivery of materials was observed, did the DBE use the materials which were listed on the Submittal Register or the Contractor's approved material submittals? If no, explain below.

**CUF**

Does it appear the DBE is performing a CUF? (See Project Closure CUF Checks attached)

COMMENTS/EXPLANATIONS

The signature below is verification that project staff observed the DBE performing its commercially useful function. Any CUF problems were documented (form 4109, IDR, report, etc.), addressed, and reported to the Civil Rights Office (CRO) .

SIGNATURE OF INTERVIEWER

DATE

Regional Contract Compliance Liaison Review/Accepted

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## Project Closure CUF Checks

### **DBE Services with Commercially Useful Function (CUF) include:**

- Professional
- Technical
- Managerial
- Brokerage to facilitate the procurement of materials and supplies
  - (Count entire amount of fees or commissions if reasonable)

### **Red Flags for work claimed as DBE utilization:**

- Is work performed jointly by the DBE and another contractor?
- Is the work outside of the DBE's known experience or capability?
- Is any portion of the DBE work performed by the Prime Contractor or another firm?
- Is the DBE Firm working without a Subcontract Agreement?
- If the Prime Contractor is a DBE, is the subcontracted work more than customary or standard industry practice?
- Does an agreement between the Prime and DBE artificially inflate the DBE Utilization?
- Does an agreement erode the ownership, control or independence of the DBE?
- Does the DBE work for only one Prime Contractor?
- Are a large portion of the DBE's contracts with one Prime Contractor?
- Is the volume of the claimed DBE utilization work beyond the capacity of the DBE Firm?

### **Key Factors to Consider for Final Review and Verification:**

- Amount of work subcontracted
- Payment commensurate with work actually performed
- Brokerage fees eligible for DBE credit may include the entire fee or commission if reasonable (49 CFR §26.55(a)[2])
- Standard Industry Practice
- DBE's role