

ENGINEERING DIRECTIVES AND STANDARDS

Volume	Chapter	Section	Directive Number	Effective Date
III	5	1	15	2/14/2018

SUBJECT: COMMERCIALLY USEFUL FUNCTIONS

- 1. PURPOSE:** The purpose of this directive is to establish a monitoring and enforcement mechanism to ensure that work committed to DBEs is actually performed by the appropriate DBE. The CUF review form is a written certification that the DBE worksite is monitored as required by 49 CFR Part 26.37 and FHWA.
- 2. SCOPE:** This directive outlines the requirements of each CUF review.
- 3. POLICY:** A CUF is performed when a DBE manages, supervises, performs work and receives due compensation in accordance with standard industry practices, except when such practices are inconsistent with the DOTD DBE Program. DOTD shall evaluate the work subcontracted in accordance with the DBE Program, industry practices and other relevant factors to determine if a DBE is performing a CUF.
DOTD reserves the right to withhold any partial payment from the contractor when it is determined that a DBE is not performing a CUF or that achievement of the goal is in jeopardy.
- 4. PROCEDURE:** The CUF review (attached) must be completed by the P.E. or inspector on all Federal Aid projects by interviewing employee(s) of the DBE firm and the prime contractor. A CUF form should be completed for each DBE working on Federal Projects, even if the project has no DBE goal or the DBE was not listed on the CS-6AAA. This means one (1) CUF per DBE, per project must be conducted. This is necessary to monitor race neutral goal credit for their participation. Once the CUF is completed, it is scanned into Content Manager Construction Project Files and Compliance Office is notified.
- 5. OTHER ISSUANCES AFFECTED:** All directives, memoranda, or instructions issued heretofore in conflict with this directive are hereby rescinded.
- 6. EFFECTIVE DATE:** This policy will become effective upon signature of the Chief Engineer.

CHRISTOPHER P. KNOTTS, P.E.
CHIEF ENGINEER



DBE COMMERCIALLY USEFUL FUNCTION (CUF) FORM PROJECT SITE REVIEW

Project Number:	Date:
Description:	
Prime Contractor:	DBE Subcontractor:
DBE is performing work as: ☐ Material Supplier ☐ Trucker ☐ Manufacturer ☐ Subcontractor	
DBE SUBCONTRACTOR EMPLOYEE	
Name:	Position:
Who do you report to?	How often are they on the jobsite?
Who signs your paychecks?	Has the Prime or any other company assisted with any work?
Who owns the equipment being used?	What type of work are you performing?
Has your company contracted out any of their work?	Who prepares the company's payroll?
How long have you worked for the company?	Who was your previous employer?
PRIME CONTRACTOR EMPLOYEE	
Name:	Position:
Who is your contact with the DBE firm?	Has your company assisted the DBE? If yes, explain.
Has the DBE used your equipment?	Is the DBE furnishing their own materials?
INTERVIEWER/INSPECTOR EVALUATION	
Does the DBE appear to have control over the work they were subcontracted to self-perform?	
Did you observe the DBE using any equipment or tools that appeared to be the property of the Prime?	
Did you observe any of the Prime Contractor employees doing the work of the DBE subcontractor?	
Did the DBE employees appear to be adequately trained and competent enough to perform their items of work independently?	
Does the DBE appear to be performing a Commercially Useful Function?	
Any concerns or comments pertaining to the performance/conduct of the DBE or the Prime Contractor?	
Additional information to any responses above: (notes may be attached)	

Scan the completed form to Content Manager Construction Project Files under CUF. One form per DBE per project.

Certified by: _____ Title: _____
Person Who Conducted the Interview