

The background of the slide features a large, semi-transparent blue gear-like seal. The seal has a circular center with the letters 'DBE' in a large, bold, sans-serif font. Above 'DBE', the words 'DISADVANTAGED BUSINESS' are written in a smaller, curved font. Below 'DBE', the word 'CERTIFIED' is written in a smaller, straight font. At the bottom of the seal, the word 'ENTERPRISE' is written in a curved font. The entire seal is set against a light gray background.

Disadvantaged Business Enterprise Program

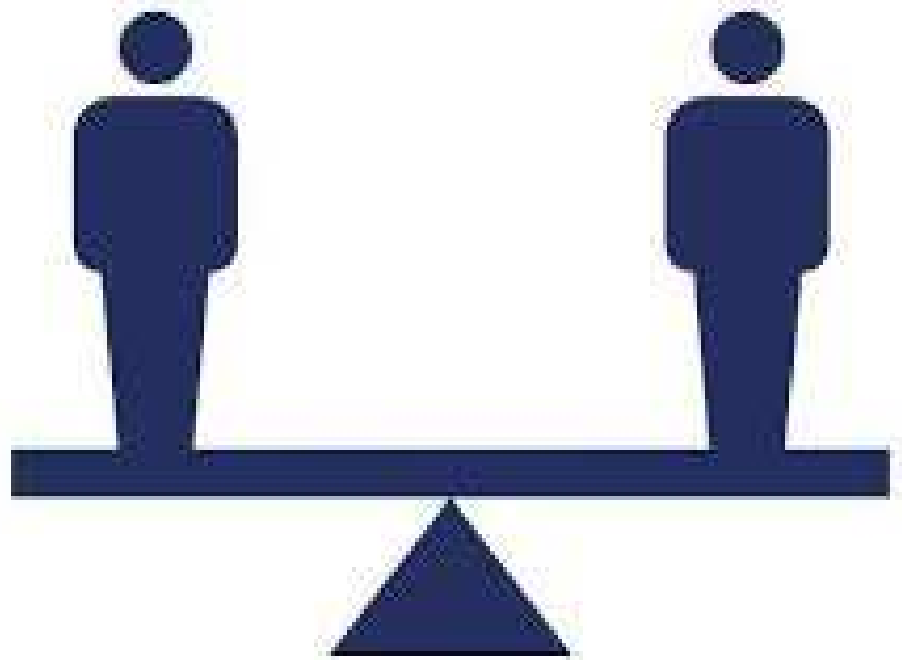
What is the Disadvantaged Business Enterprise (DBE) Program?

The DBE Program is a federal program that assists women, minorities and disadvantaged small business owners in promoting their businesses and services within the contracting community.



What is the purpose of the DBE Program?

- The DBE Program is intended to ensure nondiscrimination in the award and administration of MaineDOT-assisted projects.
- To create a “level playing field” for minority and women owned businesses



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- The 8 objectives of the DBE program focus on nondiscrimination, remedial efforts, compliance procedures and equitable access and fair competition.

- **Every** state is required to have a DBE program because it uses money from the Transportation Bill through USDOT.

Eight Objectives of the DBE Program

1. Nondiscrimination in award of contracts
2. Fair competition
3. Narrowly tailored –contract by contract analysis
4. Eligibility based –Socially & Economically disadvantaged
5. Remove barriers to participation –contract goals
6. Promote DBE use beyond MaineDOT contracting
7. Develop competitive firms
8. Provide flexibility to DOTs in establishing DBE opportunities



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Maine's DBE Goal



Maine's current DBE Goal is
1.43%



Annually, 1.43% federally funded program dollars let by MaineDOT, including Locally Administered Projects should be contracted or subcontracted to MaineDOT DBE certified women, minority or disadvantaged small businesses.



A good faith effort must be made to use DBE certified companies on federally funded projects.



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When should you use a DBE company?

DBE companies need to be solicited in every federal aid project with a “Project Attainment Target” and that is funded by FHWA.



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DBE Solicitation



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DBEs should be solicited for any subcontracting opportunities that are available on a project.

- If there are no opportunities due to NAICS codes limitations or the contractor does not opt to utilize any DBEs on a project with a Project Attainment Target, the contractor must provide their “good faith efforts” detailing their efforts to obtain DBEs for the project.

DBE Directory

+ General Information/DBE Documents

- D/WBE Directory of Businesses

- Listing of Businesses ([Excel](#)) ([PDF](#)) - updated daily at 4:00 p.m
- Description of Creditable Services for DBE's ([Word](#))

- The DBE Directory is located on our webpage.
- DBEs are listed alphabetically, and the Directory is searchable and available in both Excel and PDF.
- The Directory is updated daily at 4:00 p.m.
- The URL to the Directory is:
<https://www.maine.gov/mdot/civilrights/dbe/>



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Commitment Confirmation Form



Must be filled out and included in each contract for **consultant** work on a federally funded project –even if no DBEs are anticipated to perform work.



Must be completed by the **prime contractor** on a federally funded construction project – even if no DBEs are anticipated to perform work.



Consultants and Contractors may access the Commitment Confirmation Form and instructions online:
<https://www.maine.gov/mdot/civilrights/dbe/>



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Section A. Bidder/Prime Contractor Information. This section must be completed by the Bidder/Prime Contractor.						
1. Prime Contractor Name:		2. Federal Project WIN:		3. Bid Date:		
4. Project Location:		5. Email Address:				
Section B. Commitment Details - Prime Contractor and all Proposed Subcontractor Information is Required in This Section						
A. Firm's Name & Address, Including Zip Code Prime must be listed first	B. Annual Gross Receipt Bracket Select 1 to 7*	C. Status DBE or Non-DBE	D. NAICS Code(s) and Scope of Work	E. Race & Gender of each Firm's Majority Owner	F. Age of Each Firm	G. Proposed Amount
*1) Less Than \$1M, 2) \$1 - \$3M, 3) \$3 - \$6M, 4) \$6 - \$10M, 5) \$10 - \$20M, 6) \$20 - \$50M, 7) Greater Than \$50M - More than 5 Subs use a new form						
MaineDOT Use Only: Form Received: ____/____/____ Verified by: _____ FHWA <input type="checkbox"/> FTA <input type="checkbox"/> FAA <input type="checkbox"/>						
For a complete list of certified DBE firms please visit: http://www.maine.gov/mdot/civilrights/						
Note: This information is required pursuant to 49 CFR §26.11 and is used to track data in all federally funded MaineDOT contracts.						





Instructions for completing the Commitment Confirmation Form

- The Contractor shall extend equal opportunity to MaineDOT certified DBE firms (as listed in MaineDOT's DBE Directory of Certified Businesses) in the selection and utilization of subcontractors and suppliers.
- **Each prime contractor submitting a bid** on a federally funded project must complete each section of the Commitment Confirmation form in its entirety for itself and each subcontractor on that project.

Commitment Confirmation Form Instructions Cont.

SECTION A:

1. Insert Contractor Name
2. Insert WIN for the Federal Project bidding on
3. Insert Bid Date
4. Insert Project Location
5. Insert Email address of Contact Person



SECTION B:

- A. Enter each Contractor's and Sub-Contractor's name and address (including zip code) – Prime Contractor's name should be listed in first box of this section; then each additional line would be proposed subcontractors – DBE or NonDBE
- B. Enter each Contractor's and Sub-Contractor's annual gross receipts bracket (see the legend on the form)
- C. Enter DBE status (DBE or non-DBE) for each contractor/sub-contractor
- D. Enter each Contractor's and Sub-Contractor's NAICS (North Amer. Industry Classification System) code (may be more than one) and Scope of Work
- E. For each Contractor and Sub-Contractor enter the Race and Gender of the firm's majority owner
- F. Enter the Age of each Contractor/Sub-Contractor
- G. Enter the Proposed amount of payment (Bid amount) for each Contractor/Sub-Contractor



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DBE On-Site Documentation

- All signed Commitment Confirmation Forms need to be kept with the subcontracts for work on a construction project, and a copy must be kept in the on-site project files.
- Commitment Confirmation Forms may be reviewed during site visits by personnel from MaineDOT's Civil Rights Office and the Federal Highway Administration.



Commercially Useful Function

These services are the **Commercially Useful Function** (CUF) of the company:



When a DBE is on the project we must verify they are doing the work they were contracted to do with their own personnel and equipment.



We must also verify that the workers listed on the DBE form are on the DBE company's payroll and not another firm's payroll.



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When should a CUF review be completed?



When the DBE is on-site



Whenever changes in the performance of work will warrant its completion



If a recognized DBE is employed on the project, but not listed on the Commitment Confirmation form.



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CUF Guidelines and Instructions

Responses to questions on the CUF On-Site Review Form should be completed as thoroughly as possible. Use additional sheets if necessary.

The CUF On-Site Review should be completed by the Project Resident or designee.

MaineDOT's Civil Rights Office must receive a copy **as soon as** the CUF is completed.



Thank You!



MaineDOT Civil Rights Office Contact Information

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Additional Resources

- Title VI of the Civil Rights Act of 1964 - <https://www.justice.gov/crt/fcs/TitleVI>
- FHWA's Office of Civil Rights Web site with resources to Title VI program implementation - <http://www.fhwa.dot.gov/civilrights/>
- U.S. DOT regulations for implementing its Title VI nondiscrimination requirements - <https://www.ecfr.gov/current/title-49/subtitle-A/part-21?toc=1>
- FHWA Title VI Toolkit - https://www.fhwa.dot.gov/civilrights/programs/title_vi_toolkit/
- FHWA Resources in Data Collection - <chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.fhwa.dot.gov/civilrights/programs/docs/TitleVI%20Data%20collection.pdf>
- US Census Bureau Data Collection - <https://data.census.gov/>
- FHWA Form 1273 - <http://www.fhwa.dot.gov/programadmin/contracts>
- MaineDOT' Title VI/Nondiscrimination Annual Work Plan & Accomplishment Report - <https://www.maine.gov/mdot/civilrights/title-vi/>
- MaineDOT's Title VI/Nondiscrimination Plan - <https://www.maine.gov/mdot/civilrights/title-vi/>



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Additional Resources - Cont

- Civil Rights Program Requirements Overview Video - <https://highways.dot.gov/fed-aid-essentials/videos/civil-rights/overview-fhwas-civil-rights-program-requirements-local>
- Contract Nondiscrimination Requirements Video - <https://highways.dot.gov/fed-aid-essentials/videos/civil-rights/nondiscrimination-requirements-construction-contracts>
- Title VI/Nondiscrimination Assurances Video - <https://highways.dot.gov/fed-aid-essentials/videos/civil-rights/title-vi/nondiscrimination-nondiscrimination-assurances>
- Title VI Implementation Plans Video - <https://highways.dot.gov/fed-aid-essentials/videos/civil-rights/title-vi/implementation-plans>
- Federal-aid Essentials for Local Public Agencies Video - <https://www.fhwa.dot.gov/federal-aidessentials/>
- Fundamentals of Title VI Environmental Justice - <https://www.nhi.fhwa.dot.gov/>
- FHWA Manual for Processing External Complaints of Discrimination - <http://www.fhwa.dot.gov/civilrights/programs/finalcomplaintmanual110410.cfm#sec11>
- Environmental Justice Executive Order 12898 - <https://www.energy.gov/nepa/articles/eo-12898-federal-actions-address-environmental-justice-minority-populations-and-low>
- FHWA Title VI Requirements for Subrecipients - <chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://ftp.txdot.gov/pub/txdot-info/civ/title%20vi/title-vi-requirements-for-subrecipients.pdf>

