



NMDOT
DBE COMMERCIALLY USEFUL FUNCTION (CUF)
INTERVIEW and ASSESSMENT

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|---|---|
| Part A (Completed by the Field Inspector) Project No./Control No.: Project Location/Termini: | Agency Staff Conducting Interview and Completing Form: Field Staff Member: Office Staff Member: Project Manager: District: Interview Date: |
|---|---|

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|--------------------|---|-------------------------------------|--|--|
| DBE Firm: | | | | |
| Type of Operation: | Subcontractor <input type="checkbox"/> | Trucker <input type="checkbox"/> | Manufacturer <input type="checkbox"/> | Regular Dealer <input type="checkbox"/> |

Prime Contractor: _____

Part B (Completed by the Field Inspector) DESCRIBE THE DBE SCOPE OF WORK:

| Describe Work Being Performed Today: | | DBE Start Date: | DBE Estimated Completion Date: |
|---|--|---|--------------------------------|
| Work Item Number: (Continue on Back of Form) | Work Item Description (Observed Work Performed) | Approximate % Complete as of This Date | Subcontracted Dollar Amount |
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Part C (Completed by the Field Inspector) REGARDING DBE'S FOREMAN/SUPT.

Name of DBE's foreman/superintendent: _____

Is the foreman/superintendent exclusively employed by DBE? Yes No

Who does the foreman/superintendent directly reports to: _____

REGARDING DBE'S EMPLOYEES

Name of the DBE employees working Today: _____

Do the DBE's employees receive work assignments from DBE Foreman / Supt? Yes No

-----Below Completed by NMDOT or LPA Project or Office Manager Only -----

Is the foreman exclusively employed by the DBE? Yes No

Is the foreman shown on the DBE's payroll? Yes No

Is the foreman shown on any other Firm's payroll? Yes No

Are the DBEs' employees shown on any other contractor's payroll on this contract? Yes No

If yes, whose? _____

Are DBE's employees shown on the payrolls on this contract? Yes No

REGARDING DBE'S EQUIPMENT (Part C, continued, Completed by the Field Inspector)

Listing of DBE Major Equipment On-Site Today: _____

Does the equipment have the DBE's name or logo? Yes No

If another firm's name or logo is shown, identify: _____

Does the equipment belong to the DBE? Yes, No, Leased

-----**Below-Completed by -NMDOT or LPA Project or Office Manager Only**-----

If leased or rented, is there a copy of the lease or rental agreement in project file? Yes No N/A

REGARDING DBE'S WORK PERFORMANCE (Completed by the Field Inspector)

Has any other contractor performed work that was to be performed by the DBE? Yes No

If yes, identify the contractor who performed the work: _____

What work items did the identified contractor perform? _____

Were these items on the DBE's subcontract? Yes No

Has the DBE owner been present on the job site? Yes No

Does the DBE appear to have control over their work and their employees? Yes No

REGARDING DBE REGULAR OPERATORS/SUPPLIERS

(Completed by the Project Manager (PM)/Office Manager (OM) or Field Inspector (FI))

(PM/OM) Does the DBE's name appear on invoices, delivery tickets, purchase orders, etc.? Yes No

(PM/FI) If the delivery of material is observed, is the distribution equipment owned or leased long term by the DBE used in delivering the Product? Yes No

Part D PROJECT MANAGER DETERMINATION (Completed by the Project Manager only)

Based on knowledge of the DBE work activities on the project and information contained herein, I believe the DBE firm listed above **(circle one) is is not** performing a Commercially Useful Function on this project. If it is believed the DBE Firm is not performing a CUF on this project, contact the **CCRB** section for further guidance.

Project Manager

Date

NOTE: Definition - Commercially Useful Function - A DBE subcontractor performs a Commercially Useful Function when it is responsible for execution of a distinct element of work on a contract or subcontract and carries out its responsibilities by actually performing, managing and supervising the work involved.

PM Comments:

Part E

Additional Field Inspector Comments:

Comments:

Distribution: Original to Project DBE File, Copy to Prime Contractor, (or District Local Governments Coordinator if LPA Project)

COMMERCIALLY USEFUL FUNCTION (CUF) – FHWA 49CFR26.55

Department Form A-1239 Instructions:

The CUF Form A-1239 should be completed at least once for each DBE working on the project. Please refer to the following information for guidance in completing the Form.

A DBE SUBCONTRACTOR MUST PERFORM A CUF IN ORDER TO BE COUNTED TOWARDS THE DBE CONTRACT GOAL
The following provides guidance on the criteria for determination of Commercially Useful Function. Keep this in mind when interviewing the DBE Subcontractor and filling out the Form. A DBE Subcontractor must:

MANAGE:

Manage the work themselves.

- Schedule work operations, order equipment and materials, hire and fire employees, including supervisory employees.

SUPERVISE:

Supervise daily operations

- Can use a skilled superintendent or foreman employed by the DBE.

PERFORM:

Perform the work stated in the contract or subcontract with their own equipment.

- **Regular Equipment** is owned or leased and operated on a long term agreement and not on an *ad hoc* or contract by contract agreement.
 - a. The equipment would be used by the DBE firm on any other subcontract with any other contractor.
 - b. The equipment would be owned by the DBE firm. Or
The equipment would be leased/rented from traditional equipment lease/rental sources.
 - c. The DBE firm would have a rental/lease agreement for any rented or leased equipment.
 - d. The equipment cannot belong to:
 - (1.) Prime Contractor
 - (2.) Another subcontractor on the present project.
 - (3.) Supplier of materials being installed by the DBE firm.
 - e. The equipment cannot come from another contractor fully operated meaning equipment + operator

Perform the work with their own employees.

- **Regular Employee** is a person who:
 - a. Would be working for the DBE firm on any other subcontract with any other contractor.
 - b. Is a permanent employee of the DBE firm, or has been recruited through the traditional recruitment and/or employment centers.
 - c. Has not recently been employed by the prime contractor on the present project, another subcontractor on the present project, or the renter-lessor of equipment being used on the present project.
 - d. Is not a member of a construction crew, which regularly works for a non-DBE.
 - e. Is not a licensed contractor who is at the time “unemployed” or “between jobs.”

Subcontracting part of the work of the contract.

- When a DBE subcontracts part of the work of its contract to another firm, the value of the subcontracted work may be counted toward the DBE goal **only if the DBE subcontractor is itself a DBE**. Work that a DBE subcontracts to a non-DBE firm does not count toward DBE goals.

Trucks/Equipment must display name of DBE firm

- Printed name or logo

Instructions:

Much of the form can be completed by the field inspector with minimal interaction with the DBE Subcontractor. The field inspector will need to interview the DBE Subcontractor Foreman for specific questions regarding work activity, crew and equipment.

Field Inspector

- Part A - The field inspector or PM designee should complete Part A of the Form. Print your name as Field Staff Member and the date of the interview.
- Part B – Describe the general scope of the DBE subcontractor work. Use the backside of the form if more space is needed. Describe the work being performed on the date of the interview. DBE start date, estimated completion date and Subcontract Amount may need to be filled in by the office manager.
- Part C – Fill in the information requested. Interview the DBE foreman for any information needed to fill out this part.

Office Staff

- Complete remaining portions of the form that require payroll verification or subcontract information.

Project Manager

- Complete Part D
- Notify **CCRB** should there be any concerns regarding Commercially Useful Function