

**DISADVANTAGED BUSINESS ENTERPRISE (DBE)  
SPECIAL PROVISIONS**

**RACE/GENDER NEUTRAL GOAL**

POLICY STATEMENT

It is the policy of the Minnesota Department of Transportation (Mn/DOT) that DBEs, as defined in 49 C.F.R. Part 26, and other small businesses shall have the maximum feasible opportunity to participate in contracts financed in whole or in parts with federal funds. Consistent with this policy and Title VI of 1964 Civil Rights Act, Mn/DOT will not allow any person or business to be excluded from participation in, denied the benefits of, or otherwise be discriminated against in connection with the award and performance of any U.S. Department of Transportation (DOT) assisted contract because of sex, race, color, or national origin. Mn/DOT has established a Disadvantaged Business Enterprise (DBE) program in accordance with the regulations of the DOT, 49 C.F.R. Part 26 to implement this policy.

CONTRACT ASSURANCE

The Contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The Contractor shall carry out all the applicable requirements of 49 C.F.R. Part 26 in the award and administration of DOT-assisted contracts. Failure by the Contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy, as Mn/DOT deems appropriate.

Furthermore, Title VI of the Civil Rights Act of 1964 assures that no person or group of persons may, on the grounds of race, color, national origin, sex, age, handicap or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs or activities administered by Mn/DOT. For further information regarding Title VI, please contact the Office of Civil Rights, 395 John Ireland Blvd., MS 170, St. Paul, MN 55155-1899. Our telephone number is: (651) 366-3073.

The above information is applicable to every contractor including every tier of subcontractors, supplier or service providers on this project. It is the responsibility of the prime contractor, subcontractors, suppliers and service providers to ensure equal opportunity for all firms to participate on this project.

RACE/GENDER NEUTRAL GOAL

There is **no specific numerical DBE goal assigned** to this project. While no numeric DBE goal is assigned to this contract, the Contractor, sub-recipient or subcontractor **should** make every reasonable effort to solicit DBE firms to participate as subcontractors, service providers and suppliers on this project.

ADDITIONAL SUBCONTRACTORS, SUPPLIERS AND SERVICE PROVIDERS

Whenever an additional subcontractor, supplier or service provider is selected, and this information has not been previously reported to the Mn/DOT Office of Civil Rights, the Contractor or its designated OCR Officer shall promptly provide Mn/DOT OCR with the following information regarding the subcontract:

- a) The name of the subcontractor; supplier or service provider;
- b) The total dollar amount of the subcontract;
- c) The specific work items covered by the subcontract;
- d) Estimated quantities of each work item; and
- e) Individual unit prices (if applicable).

### SUBMITTAL OF DOCUMENTATION

Upon award of the contract, the Contractor shall submit on the attached Bidders List, a complete list of all subcontractors, service providers, suppliers and consultants that submitted bids, and shall indicate the successful quotes that will be used on the contract.

Additionally, during the life of the contract, the Contractor shall submit progress payment reports on the attached Contractor Payment Form regarding the payments made to its subcontractors, suppliers, service providers and sub-consultants. In accordance with federal regulations and Minnesota's Prompt Payment law, Contractors are required to pay their subcontractors within ten (10) days of receiving progress payments from Mn/DOT. Contractors are also required to submit to the Project Engineer and the Mn/DOT OCR the Contractor Payment Forms no later than ten (10) days after receiving payment from Mn/DOT.

### PROMPT PAYMENT

The prime contractor agrees to pay each subcontractor under this prime contract within ten days of the prime contractor's receipt of payment from the state for undisputed services provided by the subcontractor. The prime contractor must pay interest of 1-1/2 percent per month or any part of a month to the subcontractor on any undisputed amount not paid on time to the subcontractor. The prime contractor agrees further to return retainage payments to each subcontractor within ten days after the subcontractor's work is satisfactorily completed. This clause applies to both DBE and non-DBE subcontractors. Any contractor making payments to subcontractors must complete and submit the attached Contractor Payment form.

### FINAL PAYMENT AFFIDAVIT

Pursuant to Mn/DOT Standard Specifications for Construction Sec. 1908, "Unless a Contractor has presented an Affidavit showing the total dollar amounts of works performed by disadvantaged business enterprise (DBE), final payment may be withheld." The DBE Total Payment Affidavit shall be executed by the Prime Contractor after all work has been performed by DBE(s) on the project.

**This Race/Gender Neutral Goal Language is an addendum to the Mn/DOT DBE Special Provisions.**



### Bidders List

State Project Number \_\_\_\_\_  
 Project Name \_\_\_\_\_  
 Contact Name \_\_\_\_\_

Date: \_\_\_\_\_  
 Eng. Est. \_\_\_\_\_ Goal \_\_\_\_\_ %  
 Contact # \_\_\_\_\_

List all comparative quotes or proposals received from Prime Contractors bidding or proposing on the project above.

Contractor Information				Check (✓) Firms That Will Be Used	Description of Work	Dollar Amount Of Bid/Proposal.
1.	Contractor Name			<input type="checkbox"/>		
	Contact Name					
	Address					
	Federal Tax #	E-mail				
	Phone	Fax:				
2.	Contractor Name			<input type="checkbox"/>		
	Contact Name					
	Address					
	Federal Tax #	E-mail				
	Phone	Fax				
3.	Contractor Name			<input type="checkbox"/>		
	Contact Name					
	Address					
	Federal Tax #	E-mail				
	Phone	Fax				
4.	Contractor Name			<input type="checkbox"/>		
	Contact Name					
	Address:					
	Federal Tax #	E-mail				
	Phone	Fax				
5.	Contractor Name			<input type="checkbox"/>		
	Contact Name					
	Address:					
	Federal Tax #	E-mail				
	Phone	Fax				

### Contractor Payment Form

1<sup>st</sup> Tier Sub-Contractor: \_\_\_\_\_

State Project Number \_\_\_\_\_

Prime Contractor: \_\_\_\_\_

Payment Reporting Period: From: \_\_\_\_\_ To: \_\_\_\_\_



Instructions: All Contractors making payments to Contractors/Subcontractors/Suppliers/Service Providers, regardless of their tier or DBE status, are required to complete and submit this form to the Mn/DOT Office of Civil Rights (OCR), each time payments are made to sub-contractors until final payment is made. Failure to comply with this form and Minnesota's prompt payment law may cause progress payments to be withheld. Submit one copy of this form to the Mn/DOT OCR and one copy to the Project Engineer, no later than ten (10) days after receiving payment from Mn/DOT.

Contractor Information		Original Contract Amount		Committed DBE %	Actual DBE % to Date
Name:					
Address:					
Phone:					
Name of Subcontractor/Supplier		DBE? (Check if Yes)	Description of Work	Subcontract Amount	
1.		<input type="checkbox"/>	1.	1.	
2.		<input type="checkbox"/>	2.	2.	
3.		<input type="checkbox"/>	3.	3.	
4.		<input type="checkbox"/>	4.	4.	
5.		<input type="checkbox"/>	5.	5.	
6.		<input type="checkbox"/>	6.	6.	
Amount of Current Payment		Total Sub-Contractor Payment-To-Date	% Paid to date	Final Payment? Yes/No	
1.		1.	1.	1.	
2.		2.	2.	2.	
3.		3.	3.	3.	
4.		4.	4.	4.	
5.		5.	5.	5.	
6.		6.	6.	6.	
Company Officials Signature & Title		Date Signed	Name & Title of Individual Completing Report (Type or Print Clearly)		
Title:			Title:		
Phone:	Fax:		Phone:	Fax:	

## Contractor Payment Form Instructions

All Contractors making payments to Contractors/Subcontractors/Suppliers/Service Providers, regardless of their tier or DBE status, are required to complete and submit this form to the Mn/DOT Office of Civil Rights (OCR), each time payments are made to sub-contractors until final payment is made. Failure to comply with this form and Minnesota's prompt payment law may cause progress payments to be withheld. Submit one copy of this form to the Mn/DOT OCR and one copy to the Project Engineer, no later than ten (10) days after receiving payment from Mn/DOT.

**State Project Number:** As identified by Mn/DOT

**Prime Contractor:** The contractor who was awarded the project.

**1<sup>st</sup> Tier Sub-Contractor:** If there is an instance of a sub who has a subcontractor, list the 1<sup>st</sup> tier sub here and then list all of the 2<sup>nd</sup> tier Subcontractor(s) in the Name of Subcontractor/Supplier area. *All areas should be filled in regarding the prime as well.*

**Payment Reporting Period:** This should reflect the current payment period.

**Contractor Information:** Contractor's information who is making the payments. Should be filled out completely.

**Original Contract Amount:** Prime contractor's contract dollar amount.

**Committed DBE%:** The DBE requirement as certified by the prime in the proposal that is the minimum percentage to be met.

**Actual DBE % to Date:** The percent met to date.

**Name of Subcontractor/Supplier:** Company who is working for the prime contractor on this project.  
(If a sub was contracted for more than one contract, list each contract separately.)

**DBE?:** Check this box if the subcontractor is a certified DBE in Minnesota. You can find a listing of the DBE firms certified in Minnesota at <http://www.dot.state.mn.us/eocm/ucpdirectory.html> .

**Description of Work:** The type of work the subcontractor was contracted for.

**Subcontract Amount:** The dollar amount the subcontractor was contracted for.

**Amount of Current Payment:** The current dollar amount being paid to the sub.

**Total Sub-Contractor Payment-to-Date:** Total dollar amount paid to the sub including the current payment.

**% Paid to Date:** Percentage of total payments made in comparison to the prime's award amount.

**Final Payment?:** Indicate weather this is the final payment being made to the sub.

**Company Officials Signature & Title:** Self explanatory

**Name & Title of Individual Completing Report:** Self explanatory

*If you have questions on completing the form, call the Office of Civil Rights at (651) 366-3073.*

## DBE Total Payment Affidavit

Pursuant to Mn/DOT Standard Specifications for Construction, Section 1908, the following DBE Total Payment Affidavit shall be executed by the Prime Contractor after all work has been performed by a DBE on this project. If the dollar value of the DBE firm's total work is less than the DBE's original subcontract, please explain. Attach additional sheets if necessary.

State Project Number: \_\_\_\_\_

STATE OF MINNESOTA  
COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_, being first duly sworn, do depose and say that:

1. I am the authorized representative of \_\_\_\_\_  
(Name of Individual, Company, Partnership or Corporation)  
and I have the authority to make this Affidavit for and on behalf of said Prime Contractor.

2. The following DBE Subcontractors/Suppliers/Service Providers/Sub-Consultants have performed work on this contract/project with a total dollar value of:

	Name of DBE Firm	Dollar Amount of Subcontract	Total Dollar Amount
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			

3. I have fully informed myself regarding the accuracy of the statements made in this Affidavit.

Signed: \_\_\_\_\_  
(Prime Contractor or Authorized Representative)

Subscribed and sworn to before me  
This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
(Notary Public)

My commission expires \_\_\_\_\_, 20\_\_\_\_

Prepare Affidavit in duplicate. Submit one original to the Project Engineer, and one original to:  
**Mn/DOT's Office of Civil Rights**  
**395 John Ireland Blvd., MS 170**  
**St. Paul, MN 55155**

**No. 1908 – Standard Specifications for Construction**  
Unless the Contractor has presented an Affidavit showing the total dollar amounts of work performed by Disadvantaged Business Enterprises (DBE), final payment may be withheld.