

COUNTING DBE PARTICIPATION (49 CFR, Part 26)

DBE credit will be counted only for work performed by the DBE firm.

DBE Manufacturer – Count 100 percent of the value paid for materials furnished which become a permanent part of the project. A manufacturer is a firm that owns and operates the facilities to produce a product required by the contract and purchased by the contractor.

DBE Supplier – Count 60 percent of the value paid for material furnished which becomes a permanent part of the project. A supplier sells goods to the general public and maintains an inventory at an owned or leased warehouse or store.

DBE Broker – Count 100 percent of the fee or commission received by the DBE broker for the material purchased and resold to the contractor which becomes a permanent part of the project. A broker does not manufacture or supply on a regular basis.

DBE Trucker – Count 100 percent of the amount paid to the DBE trucker if all of the trucking is performed by the DBE, with employees of the DBE, using equipment owned or long-term leased by the DBE. If the DBE uses DBE certified owner-operators to supplement owned trucks, the DBE must be responsible for management and supervision of the entire trucking operation. The subcontract must not be a contrived arrangement to meet the DBE goal. The DBE will be considered a broker, and only commissions received will count toward the goal, if the DBE is not in full control or does not have any DBE employees or trucks on the job.

In order for a DBE trucker to be credited with the delivered price of materials/supplies, the DBE trucker must also be certified as a supplier or manufacturer of the material, be responsible for the quality standards of the material, and negotiate the material price and select the source. Certified DBE suppliers will be designated in the DBE directory.

DBE Contractor – Count 100 percent of the amount paid to a DBE contractor for labor and materials provided to perform a defined and clearly measurable portion of the contract. The work must be performed by the DBE's own employees and the DBE must order and pay for all supplies and materials.

**Ohio Department of Transportation
Disadvantaged Business Enterprise (DBE) Program
Affidavit of Subcontractor Payment**

The Code of Federal Regulations 49, 26.37(b), requires the Ohio Department of Transportation to monitor and verify that work subcontracted to Disadvantaged Business Enterprise (DBE) firms is actually performed by the DBEs. Additionally, ODOT is required to report the DBE participation on each project. Therefore, it is ODOT's responsibility to discern whether payments are made to DBE firms. The following affidavit is to be completed and signed by the contractor within 15 days of the completion of the project. The affidavit seeks to verify actual payments made to DBE firms on the project. Each DBE firm must verify the actual payment amount.

Payment Period: _____ Project No. _____ PID No. _____

► **Interim** Interim affidavits must be submitted for each DBE firm at the end of each construction season for multi-year projects.

► **Final** Final affidavits for each DBE firm must be submitted within 15 days of the completion of the project.

Prime Company Name _____

DBE Subcontractor/ _____ **Payment** _____
Non-DBE Subcontractor _____ **All amounts indicated must be cumulative**

DBE Sub-Subcontractor _____ **Payment** _____
(If applicable) _____ **All amounts indicated must be cumulative**

By signing below, the noted firms agree that the payment amounts recorded above are true and accurate as of the payment time period noted above. Furthermore, by signing, the noted firms attest to the fact that the DBE listed above has performed a "commercially useful function" and abided by all other requirements of the DBE Program as defined in Title 49 of the United States Code of Federal Regulations Part 26.

Prime's Signature/Title

NOTE: This affidavit must be notarized.

Sworn or affirmed and subscribed before me this _____ day of _____ 20_____

Notary Signature _____

DBE Subcontractor/Subcontractor Signature/Title

NOTE: This affidavit must be notarized

Sworn or affirmed and subscribed before me this _____ day of _____ 20_____

Notary Signature _____

(If applicable) DBE Sub-subcontractor Signature/Title

NOTE: This affidavit must be notarized

Sworn or affirmed and subscribed before me this _____ day of _____ 20_____

Notary Signature _____

Please mail original, completed and signed form to: The Ohio Department of Transportation, Office of Civil Rights, DBE Services Section, 1980 West Broad Street, Columbus, OH 43223.