

NDOR Commercially Useful Function Review (CUF)

Project Site Review (Construction Projects)

Per 49 CFR 26.55, "A DBE performs a commercially useful function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved... A DBE does not perform a CUF if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of DBE participation..." This form is for the purposes of reviewing DBEs for compliance with the CUF requirements for DBE goal credit.

District field staff will perform CUF reviews on DBE subcontractors and Material Suppliers. A minimum of one CUF review will be performed for each DBE on each project with a DBE goal. The review should be conducted when the DBE first begins work.

Project No.: _____ Reviewer: _____

Location: _____ Reviewer's Title: _____

Prime Contractor: _____ Review Date: _____

DBE Name: _____

DBE is performing as: Prime Contractor Subcontractor Second Tier Subcontractor
 Material Supplier Manufacturer Regular Dealer Broker

DBE's Scope of Work (*obtain copy of Subcontract Agreement and/or Purchase Order, if needed*)

	Yes	No	N/A
Performing			
<i>Does the DBE have employees on the job to perform the work?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Do the DBE's employees only work for the DBE?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Is the DBE working without assistance from the prime contractor or another subcontractor?</i> <small>(Use of a prime's equipment in <u>an emergency</u> is allowed, but the cost associated with the use of the equipment cannot be credited towards the DBE goal.)</small>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Is the DBE only using equipment it owns, rents, or leases?</i> <small>(An equipment list and rental/lease agreements may be obtained from the NDOR DBE Office.)</small>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hauling Firms			
<i>Does the DBE hauling firm own or lease their trucks?</i> <small>(The DBE must itself own and operate at least one fully licensed, insured, and operational truck used on the contract. Verification of ownership may be obtained from the NDOR DBE Office.)</small>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>If the DBE leases trucks, are the leases "Owner-Operator"?</i> <small>(If leased trucks include operators, this should be indicated in the agreement.)</small>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Does a review of the haul tickets associated with the project indicate that hauling is being performed by the DBE?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Materials			
<i>Does a review of the haul tickets and/or bills of lading indicate the material is being supplied by the DBE?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Supervising			
<i>Is the DBE supervising its employees and their work?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Is the supervisor a full-time employee of the DBE?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CUF			
<i>Does the DBE appear to be performing a Commercially Useful Function (CUF)?</i> <small>(If no, provide comments.)</small>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If DBE is not performing a CUF, contact the NDOR DBE Office at 1-402-479-4531.			

Comments