



2014 Construction, Pavements & Materials Conference

*TxDOT's Office of Civil Rights Presents:
DBE/SBE/HUB Programs -
Regulations, CUF and Subcontracting*

March 20, 2014

Question or Concern

- Online DBE Reporting and DDC SOP
 - Wondering if it will be mandatory for contractors to submit payment information into EPRS? Also, will this eventually eliminate entry into SMS?
 - Our District DBE Coordinator (DDC) is currently performing contract oversight using an old DDC Standard Operating Procedures (SOP) that we can't find on-line, and a checklist picked up from a presentation at the 2006 CST Conference.

- Response
 - Contractors will be required to report the payments to subcontractors utilizing the Electronic Payment Records System (EPRS). With the use of SiteManager and EPRS the districts will no longer record payments into SMS. The testing of the functionality to submit payments through EPRS will include a sampling of DDCs.
 - Updating the DDC SOP has been identified as a priority for the OCR's Contract Compliance Section and will be available online when complete. Until the update is available, the current DDC SOP is dated 12/08/2009.

Question or Concern

- When are we going to get definitive written guidance on DBE/SBE/HUB programs? Right now everything seems to be "email OCR" with a question.

Answer

- E-mailing OCR is the best avenue to capture and respond to concerns.
- Other helpful resources include:
 - The District DBE Coordinator Standard Operating Procedures (DDC SOP) (The revised DDC SOP will be available online once updated.)
 - The Construction Contract Administration Manual (CCAM)
 - The red flags identified on the CUF checklist provides additional guidance

Questions or Concerns

- Update SOP. Include definitive best practices, checklists, do's and don'ts rather than just saying “comply with the CFR”.
- I wish the DBE office had a manual.

▪ Response

- The Office of Civil Rights will be forming a workgroup to include DDC participation as well as from other DDOs.
- The updated SOP will include steps for evaluating and monitoring DBE participation that are consistent with the DBE Special Provision and the federal DBE program regulations.
- Other helpful resources include:
 - The District DBE Coordinator Standard Operating Procedures (DDC SOP) (The revised DDC SOP will be available online once updated.) The current DDC SOP is dated 12/08/2009.
 - The Construction Contract Administration Manual (CCAM)
 - The red flags identified on the CUF checklist provides additional guidance

Question or Concern

- I would like to see some information on the SBE Program and how to report the dollars. It is hard to find information on this. We currently have some projects with SBE goals. The prime is the SBE and so are some subs on the project.

- Response
 - Special Provision 000-2301 and Chapter 14 of the CCAM provide guidance on the DBE/SBE/HUB programs
 - SBE payments are recorded in SMS using the D3 Screen – SBE Progress Report

Commercially Useful Function (CUF)

Question or Concern

- Since implementation of SBE goals, will CUFs be required on STATE projects?

▪ Response

- The Texas Administrative Code allows for a review similar to that which is performed on a DBE CUF.

Commercially Useful Function (CUF)

Question or Concern

- Contract haulers don't like to pull over and get interviewed for CUF. Have to get the prime to intercede.
- Response
 - The CUF Pamphlet distributed by OCR provides information related to performing CUF reviews on trucking/hauling firms through interviews or observation.

For more information, please contact:

Office of Civil Rights
Contract Compliance Section
(512) 416-4750