

Commercially Useful Function (CUF)/Compliance Evaluation Form Manufacturers and Regular Dealers

This **optional** form may be used by recipients as a means to document their certification that the elements of work performed by a Disadvantaged Business Enterprise (DBE) supplier were monitored and evaluated according to the Commercially Useful Function (CUF) and counting requirements of 49 CFR §26.55. This form also contains data and questions related to the running tally of DBE supplier payments, termination, and changes in scope that may require prompt action to ensure final compliance. Once completed, recipients should review, in totality, the answers to questions in this form and related documents to assist in making final CUF and counting determinations. Recipients may revise this form to account for differences in their DBE Programs. This form does not include any statement of agency policy or interpretation concerning a statute, regulation, or technical matter within the jurisdiction of the agency that is intended to have general applicability and future effect. Use of this form is strictly voluntary. Nonconformity or non-use of this form will not affect rights and obligations under existing statutes and regulations.

Project No./ID: Project Name:

Prime Contractor: DBE Goal: District/Region:

DBE Subcontract \$: DBE Commitment \$: % of DBE Work Completed:

DBE Start Date: DBE Payments to Date \$:

DBE Company Name: DBE Representative:

DBE Owner name: DBE Representative Title:

DBE Participation Submitted as: Manufacturer (100%) Regular Dealer (60%)

Describe or attach a list of products and quantities to be sold or leased by the DBE under the prime's commitment, purchase order, or the DBE's subcontract:

Manufacturers (Count 100% of the cost of materials/supplies/articles produced)	YES	NO
1. Were the actual products manufactured by the DBE the same (type and quantity) as those described in the prime's commitment, purchase order, or the DBE's subcontract? If "NO" reevaluate eligible DBE participation before proceeding.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Do shipping documents, material certifications, or other information indicate that the final products were manufactured (blended, modified, fabricated, etc.) at a facility maintained or operated by the DBE? (Attach documents reviewed). If "YES" count 100% of the materials/supplies/articles purchased by prime. If "NO" DBE is not acting as a manufacturer. Count only fees and commissions and provide comments below. Proceed to CUF Determination section.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments Required for all "NO" Responses:

Regular Dealers (Count 60% of the cost of materials/or supplies purchased/leased)

YES NO N/A

3. Were the actual products provided by the DBE the same (type and quantity) as those described in the prime's commitment, purchase order, or the DBE's subcontract? If "NO" reevaluate eligible DBE participation before proceeding. YES NO N/A
4. Does the DBE have an establishment where the products, or those of the general character described by the specifications and required under the contract, are kept and regularly sold/leased? If "YES" proceed to Question 5. If "NO" skip to Question 7. YES NO N/A
5. Did all products come from the DBE's establishment or did the DBE have physical possession of the products prior to delivery? (Attach delivery/shipping documents that show the product origin and name of delivery agent/company or operator's name and employer.) If "YES" skip to Question 9. If "NO" proceed to Question 6. YES NO N/A
6. Did the majority of products come from the DBE's establishment or did the DBE have physical possession of the majority of products prior to delivery? If "YES" make counting adjustments as appropriate and skip to Question 9. If "NO" DBE's primary role is not that of a regular dealer; count fees and commissions as appropriate, provide comments below, and proceed to CUF Determination section. YES NO N/A
7. Are the products considered bulk items or specialty items not typically stocked? If "Yes" proceed to Question 8. If "NO" DBE is not acting as a regular dealer; count only fees and commissions, provide comments below, and proceed to CUF Determination section. YES NO N/A
8. Did the DBE own (or have a long-term lease) and operate the distribution equipment used to deliver the products? (Attach delivery/shipping documents that indicate vehicle ownership and operator's name/employer). If "YES" proceed to Question 9. If "NO" DBE is not acting as a regular dealer; count only fees and commissions, provide comments below, and proceed to CUF Determination section. YES NO N/A
9. Did the DBE own the products sold or leased? (Attach documents reviewed: inventory records, payment records, material ownership certification, etc.) If "YES" DBE is a regular dealer; count 60% of the total value of materials sold or leased. If "NO" DBE is not a regular dealer; count fees and commissions, provide comments below, and proceed to CUF Determination section. YES NO N/A

Comments Required for "NO" Responses:

CUF Determination

Based on the observations reported in this document, including relevant attachments, I affirm that the participation of the DBE entered at the top of this form has been counted in accordance with 49 CFR §26.55 and accurately reflected in our reporting system.

Reviewer Signature:

Date:

Printed Name and Title of Reviewer:

Determination Comments:

Regular Dealer Determination Tool

NOTE: This guidance is not legally binding in its own right and will not be relied upon by the Department as a separate basis for affirmative enforcement action or other administrative penalty. For a complete listing of the requirements summarized below, see 49 CFR 26.55.

