

Important Reminder - Changes in DBE Utilization

If the prime contractor has listed a DBE firm on the Affirmative Action Certification and will not meet the commitment with that firm, a Change in DBE Utilization must be submitted as soon the shortfall is realized. On EOD's website, <https://www.in.gov/indot/2753.htm>, there is a link to the Change in DBE Utilization form, and a visual flowchart that is handy for all parties to refer to. Even if the change is a result of INDOT or the Local Agency requesting the change, the prime contractor must submit a change in utilization in a timely fashion. It is important to remember that there must be "good cause" to request a change in DBE utilization as defined by federal regulations 49 CFR § 26.53. While completing the form, please remember to fill out all the required information, including any known "good-faith efforts" completed to replace the lost DBE dollars in the request.

Once the prime has completed its portion of the form, it must give the affected DBE firm five (5) business days to respond to the change. The five-day time window is the maximum federal requirement, but often if the prime and DBE agree, both parties sign off in the same day and the process can continue. Once both parties have completed their portions of the form, it is sent electronically to both the local EEO Officer and to DBEChange@indot.in.gov for review and processing.

INDOT will review all changes submitted and respond within 5 days to the request. Without an approved Change in DBE Utilization, the prime contractor cannot make changes to the scope of work or decrease the dollar value that the DBE firm was committed to complete as part of the Contract award. Per federal regulations, INDOT will not pay for work committed by anyone but the DBE on the AAC without an approved DBE Change in Utilization.

One final note: If the Contract is substantially complete and the parties are waiting on the punch list to be completed, INDOT will not act on any Change in DBE Utilization since there is no further opportunity for the prime to replace those lost DBE dollars. At that point in the Contract, the rationale for loss of DBE participation should be recorded as part of the final DBE-3 paperwork at Contract closeout. INDOT tracks these trends over time; a pattern of non-use of DBEs without good-faith efforts will subject a prime contractor to referral to the Prequalification Committee.



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Eric Holcomb, Governor
Joe McGuinness, Commissioner

CHANGE IN DBE UTILIZATION NOTIFICATION

INDOT Contract: _____

This notification is to inform you that there has been a reduction or elimination of items on the above referenced contract for which your firm was to participate. As a result, the commitment made to your firm on the Affirmative Action Certification will be reduced accordingly. Per federal regulation, we are required to notify you of this reduction and inform you that you have five (5) business days to respond to this notice with or without objection.

Reason for Reduction/Elimination:

(Name of Prime Contractor)

(Signature of Authorized Representative)

(Date)

Please indicate your response by selecting one of the following two options:

- I do not object to the reduction
- I do object to the reduction for the following reason(s):

(Name of DBE)

(Signature of Authorized Representative)

(Date)

EEO Verification (For INDOT Use Only):

(Name of INDOT EEO Officer)

(Signature of INDOT EEO Officer)

(Date)

Please send the completed Change in DBE Utilization Notification form to
DBEChange@indot.in.gov

Additional required information to be completed by the EEO Officer

Prime Contractor:

Contact Name:

Street Address:

Phone Number:

E-mail Address:

DBE Subcontractor:

Contact Name:

E-mail Address:

Contract Letting Date:

Contract Completion Date:

Contract DBE Goal:

Dollar amount to be affected by this change:

If the dollar amount is unknown, please write "unknown", otherwise be specific with the amount.

Please document any "Good Faith Efforts" associated with the change:

Ensure that all of the boxes have been filled out, and signed by the Prime Contractor, DBE Subcontractor, and the District EEO Officer

Processing a Change In Utilization Request

Updated 3/27/2018

