

# DBE Monitoring and Compliance

Recordkeeper Job Aid

Construction Division

# Construction Recordkeeper Job Aid

## Overview

The Texas Department of Transportation (TxDOT) Disadvantaged Business Enterprise (DBE) Program is a legislatively mandated USDOT program authorized by 49 Code of Federal Regulations (CFR) Part 26.

It is the responsibility of TxDOT's Office of Civil Rights (CIV), in coordination with TxDOT Districts, to implement, monitor, and enforce DBE Program compliance. This responsibility includes monitoring individual DBE contract goals and providing DBE oversight to meet TxDOT's annually established DBE Program goal.

The goal of this document is to provide information concerning the responsibilities of the recordkeeper regarding monitoring DBE subcontractors' performance and documentation for construction projects.

## Resources

- Civil Rights Division
- District DBE Compliance and Monitoring Guide (for projects let Feb. 2017 and thereafter)
- District DBE Coordinator Standard Operating Procedures (SOP)

## Applications Used

- TxDOT DMS Portal
- SiteManager
- LCP Tracker (Payroll Tracking System)

## Forms

Always download the latest versions from E-forms (internal Crossroads) or the DBE forms webpage (external TxDOT.gov).

- Form 2804 – Request to Use Joint Checks (For Federally-Assisted Projects)
- Form 2182 – DBE Program Commercially Useful Function (CUF)
- Form 2183 – DBE Program CUF for Professional and Scientific Services
- Form 2669 – CUF Review for Material Supplier
- Form 4010 – DBE Termination Request
- Form 4011 – DBE Substitution Request
- Form 2660 – DBE Trucking Utilization
- Form 2371 – DBE Trucking Credit Worksheet
- SMS-4901 – DBE Commitment Agreement Form
- SMS-4901-MS – DBE Material Supplier Commitment Agreement Form
- SMS4901-T – DBE Trucking Commitment Agreement Form

## Reports

- **TxDOT DMS Portal Reports** – These reports are available in the TxDOT DMS Portal under Reporting.
  - Certified Directory Reports: use to search, sort or select firms with specific certification types
  - Contracts: use for active projects, prompt payment information, discrepancies, etc.
  - Contracts – Maintenance: DBE goal information
  - OJT: OJT Monthly Audit Review Report
  - TxDOT: CUF Reviews Project Dashboard, Prime and Sub Payment Detail Report with Vendor IDs, etc.

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- **SiteManager Reports** – These reports are available in SiteManager and on the Construction Division (CST) SiteManager reports webpage (internal Crossroads).
  - Contract Report Bundle – Contract Admin
  - Checklist Event Dates – Verify CUF Review dates have been entered.
  - Estimate History Report
  - Diary and DWR Remarks Pivot View
  - Change Order Item Report

## Recordkeeper Project Assignment

When projects are assigned to the recordkeeper, whether they are new construction or ongoing projects, review the following items.

- Contract
- Proposal
- Construction plans
- Addenda

These items will include all the funding information, whether it is a state funded or federally funded project. This document is concerned with federally funded projects where a DBE may be subcontracted on the project as:

- race conscious, meaning assigned goal, or
- race neutral, meaning not assigned to the project via the DBE program but added as a subcontractor to perform work on the project by the contractor.

The review of the contract and additional items should be conducted prior to the pre-construction meeting so that required documentation can be assessed and discussed at the meeting. Not all federally funded projects will have a DBE goal, but any DBE subcontractor on a federally funded project will be subject to the same regulatory actions and documentation requirements per the specifications.

## Utilization Plan (UP)

A federally funded project is required to follow the FHWA requirements as outlined in the contract specifications. The DBE Special Provision further explains that the contractor is responsible for providing eligible DBEs to meet the associated DBE goal.

By signing the Contract proposal, the Bidder is certifying that the DBE goal as stated in the proposal will be met by obtaining commitments from eligible DBEs or that the Bidder will provide acceptable evidence of good faith effort to meet the commitment.

Review and be familiar with the DBE commitment package (Utilization Plan) and supporting documentation required for the project. The DBE commitment package will contain the DBEs (Race Conscious), the work items, and dollar amounts committed to meet the project goal. This information is available to transfer from the Utilization Plan to the contract when it is locked in. Reference Utilization Plan lock-in instructions in the District DBE Guide.

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**Note:** All Federally Funded projects must be locked into the TxDOT DMS Portal, regardless of the project's DBE goal. Federally funded projects with 0% DBE goals must be locked in and monitored in the TxDOT DMS Portal.

Provide the inspectors and project managers a copy of the work items committed to Race Conscious (RC) DBEs on the project. The committed work items cannot be performed by the prime contractor or any other subcontractor on that project.

Monitor how adjusted items or work may impact the RC DBE, since the DBE goal applies to the final value of a contract.

Firm	DBE % Goal	DBE % Met	DBE Amt Goal	DBE Amt Met	RC/RN	Type	Status (Active or Inactive)	Comments
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Monitor the goal progress monthly to ensure DBEs are being paid for performing work.

- Ensure the % Credit being applied is continuing to increase with monthly DBE payments.
- Compare Contract Progress and For Credit Progress are correct.
- Monitoring Goal Attainment in TxDOT DMS Portal – The For Credit \$ column shows the dollar amount of DBE participation the prime contractor has achieved. Use this amount to monitor attainment progress in comparison to the DBE Utilization Plan submitted.
- Be aware that when change orders are added in TxDOT DMS Portal, they will change the DBE participation percentage. Ensure that change orders are being added to TxDOT DMS Portal in the Change Order tab so that the contract value is being adjusted by approved change orders so that the progress of the DBE credit is accurate. Follow the District's procedures.

## Texas Unified Certification Program

Special Provision 000, "Disadvantaged Business Enterprise in Federal-Aid Contracts," outlines the contractor's responsibility for governing the DBE usage and the subcontractors used on the project.

2.3.5.

**DBE Committal.** Only those DBEs certified by the TUCP are eligible to be used for goal attainment. The Department maintains the TUCP DBE Directory. The Directory can be accessed at the following Internet address: <https://txdot.txdotcms.com/FrontEnd/VendorSearchPublic.asp?TN=txdot&XID=2340>.

A DBE must be certified on the day the commitment is considered and at time of subcontract execution. It is the Contractor's responsibility to ensure firms identified for participation are approved certified DBE firms.

The Bidder is responsible to ensure that all submittals are checked for accuracy. Any and all omissions, deletions, and/or errors that may affect the end result of the commitment package are the sole liabilities of the bidder.

Commitments in excess of the goal are considered race-neutral commitments.

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## Monitoring the TxDOT DMS Portal

It is the District's responsibility to monitor the monthly audits in the TxDOT DMS Portal.

- Ensure that there are no discrepancies in the TxDOT DMS Portal or noted by the subcontractors.
  - If there is a discrepancy, follow the guidelines and resolve the discrepancy by the end of the month. Escalate questions to the District DBE coordinator (DDC), who will coordinate with CIV as needed.
- Each estimate cycle, verify the payment information imported to the TxDOT DMS Portal as amount paid to the prime contractor against the actual monthly estimate completed in SiteManager, and send to Austin for payment.
  - Run the SiteManager Estimate History Report and verify the amounts of all the estimates match the payments reported in TxDOT DMS Portal. For the monthly audit, add a comment that lists the estimate number from SiteManager and the amount of the estimate for the month. This helps with ensuring all estimates are reported correctly, including negative and zero-dollar estimates.
- Verify the prime contractor has entered payment information correctly for the subcontractors in the TxDOT DMS Portal and that the payments are verified as correct by the subcontractor in the period allowed.
  - The Record Keeper (RK) confirms if the discrepancy was cleared between the contractor and subcontractor. If not, RK will escalate the discrepancy to the PM to clear the discrepancy based on the items submitted.

Instructions for reviewing the monthly audits in the TxDOT DMS Portal can be found at the end of this job aid.

## Commercially Useful Function (CUF) Resources

Per 49 CFR 26.55(c)(1) "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 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 to obtain the appearance of DBE participation..."

[District DBE Compliance and Monitoring Guide](#), Chapter 6, "Commercial Useful Function," provides information regarding CUF review required for all DBE firms on federally funded projects.

### Types of CUF

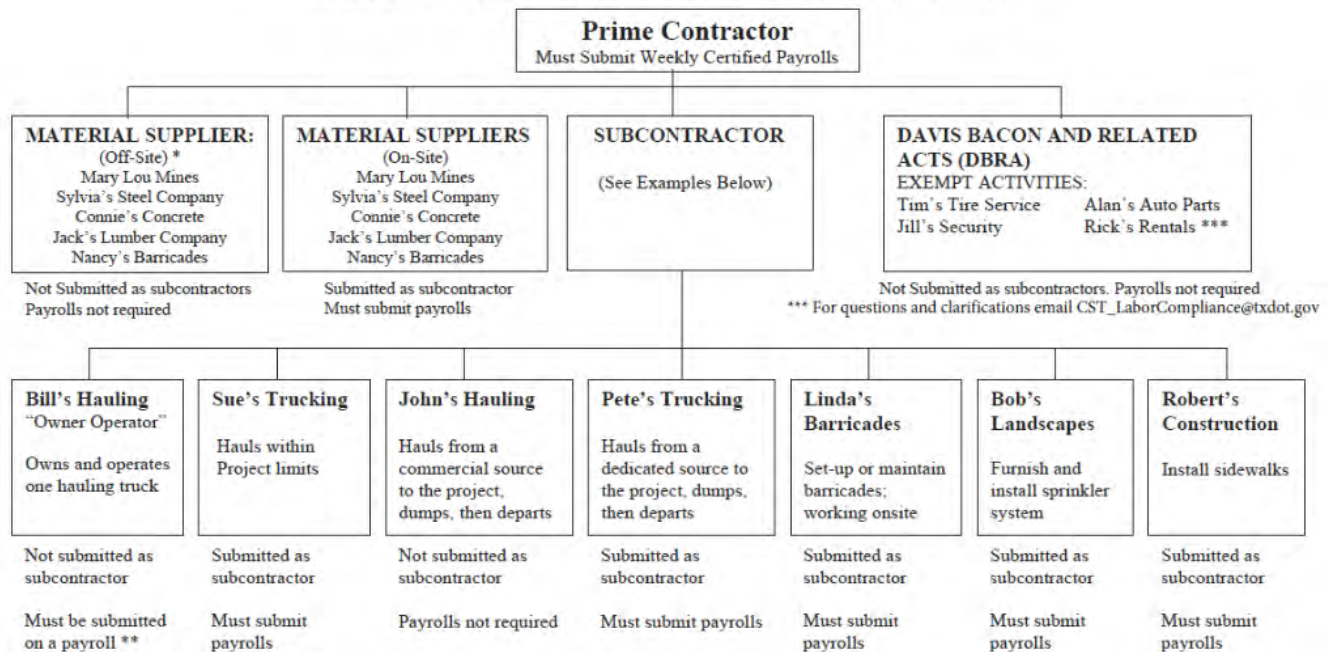
Highway firms certified in the DBE program typically perform work in the following categories. Refer to the Subcontracting and Payroll Requirements below for more information.

- Prime or subcontractor
- Trucker / hauler
- Regular dealer
- Manufacturer



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## SUBCONTRACTING AND PAYROLL REQUIREMENTS



\* Supplying and delivering only or removing and hauling-off only; no work performed onsite

\*\* Name of truck owner-operator appears on contractor or subcontractors payroll with the designation "Truck Owner-Operator." No other information is required.

**Note:** "Do not sublet any portion of a construction Contract without the Engineer's written approval," in accordance with Article 8.2., "Subcontracting," of the Texas Department of Transportation's 2014 Standard Specifications for Construction and Maintenance of Highways, Streets, and Bridges, (Spec. Book).

The requirements listed above also apply to any tiered agreements with subcontractors and material suppliers.

A **Subcontractor** is defined as an individual, partnership, limited liability company, corporation, or any combination thereof that the Contractor sublets, or proposes to sublet, any portion of a Contract, excluding a material supplier, a hauling firm hauling only from a commercial source to the project, truck owner-operator, wholly-owned subsidiary, or specialty-type businesses such as security companies and rental companies.

07/2021

### DBE Program CUF Form (Form 2182)

- Prime Contractor
- Subcontractor
- Tier Subcontractor
- Hauler (Form 2660, Form 2371)
- While monitoring projects in TxDOT DMS Portal, you will notice that some DBEs are Hauling or Trucking firms. They can be race conscious (RC) and have a utilization plan with committed work items or race neutral (RN) without a utilization plan and brought in later during the life of the project. Regardless of the hauling firm's status, RC, or RN, they must submit Form 2660, "Trucking Utilization Form," prior to conducting any work on a TxDOT project. This form should list the trucks owned by the DBE firm and trucks for which the DBE firm has a lease agreement. Trucks coming onto a TxDOT project must be on the list; this form can be updated as needed by the DBE but must encompass all the trucks used by the DBE firm on the TxDOT project. For every leased truck listed on Form 2660, obtain, and review the lease agreement between the DBE and the owner operator. Form 2660 must be uploaded into TxDOT DMS Portal on the DOCs tab.

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- Form 2371, "DBE Trucking credit worksheet," must be completed by the Trucking/Hauling firm and turned into the prime contractor, who will review and submit monthly to the area office recordkeeper for every month that the DBE is hauling on the project.

## CUF Review – Material Supplier Form (English, Form 2669; Spanish, Form 2669-S)

Send to the material supplier once materials are ordered and received (may include items ordered on Materials on Hand.) This form can be sent by the Recordkeeper, Inspector, Project Manager, or DDC.

- The material supplier must complete, sign, and return Form 2669.
- Review and complete the form and submit it to the DDC.

## CUF for Professional Services (Form 2183)

Use Form 2183 for:

- architecture, engineering, landscape architecture, private consulting, real estate appraisal, ROW acquisition, surveying, and other additional professional services, and
- archaeology, architectural historian services, biology, geology, environmental coordination and documentation, historian services, NEPA compliance advising, and other additional scientific services.

## Timeline

Inform the inspectors and/or PMs of which subcontractors are DBE firms at the beginning of the project so that a CUF review can be performed consistent with the timeline below.

- Within 30 days of DBE beginning work – initiate CUF review
- Within 60 days of DBE beginning work – collect supporting documentation
- Within 90 days of DBE beginning work – complete and upload CUF

Review CUFs for compliance and submit to the DDC for further review and processing.

## Supporting Documentation

- Copy of subcontractor agreement
- Copies of certified payrolls from the same pay period as review
- Copy of check from Prime to Sub
- Cancelled checks: Sub to Suppliers or Prime to Sub
- Titles of ownership and/or lease agreements for equipment
- Invoices and Haul Tickets showing who they are made out to
- List of names and titles of crew present at time of review
- Titles of ownership and/or lease agreements for equipment
- Invoices and Haul Tickets showing who they are made out to
- List of names and titles of crew present at time of review
- Photos of equipment, vehicles, PPE, license plate, etc. that have DBEs name/logo

Ensure that the contractor completes work as provided in the contract before making payment. Incomplete items may be paid at an agreed upon percentage approved by the Engineer.

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Estimates should be generated monthly when time charges begin and continue to be generated until final acceptance for the contract.

## Guidance on Issues Affecting the DBE Program

### Noncompliance

The Engineer has the authority to withhold payment for noncompliance with CUFs. While this should be a last resort, it may be necessary to discuss at times if the contractor has not responded to multiple requests for documentation.

### CUF Failure (Nonperformance Determination)

- Collect all the supporting documentation.
- If the DBE does not provide the required documentation, ask the Prime for assistance.
- If the Prime does not provide the required documentation, escalate to the DDC, who will coordinate with CIV.

Inspector → Recordkeeper → DDC → CIV Guidance

### DBE Substitution and Termination Request

Refer to TxDOT's DBE Compliance and Monitoring Guide, [Chapter 18](#), "Termination and Substitution Request," for detailed guidance.

- When first notified, immediately start coordination with the DDC and then review submitted documentation for completeness and compliance.
- Review the Prime's submitted documentation for completeness and compliance, and coordinate with the DDC.

### DBE Termination

- Brief Summary:
  - Prime sends notice to the DBE that they intent to terminate.
  - The DBE has 5 days to respond. The Prime should copy the Area Office on this notification.
  - Once the 5 days has passed, the Prime submits Form 4010 and the correspondence above to the District/Area Office, and it is evaluated and approved or disapproved in coordination with DDC and CIV.
  - Request must be approved prior to changes in TxDOT DMS Portal.
  - District DBE Coordinator (DDC) must enter the request into TxDOT DMS Portal with executed DBE subcontract / P.O. Agreement.
- Form 4010, "DBE Termination Request" – When first notified, immediately start coordination with the DDC and then review submitted documentation for completeness and compliance



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## DBE Substitution

- Prime submits completed forms to TXDOT – DBE Commitment form for trucking or for a material supplier will depend on DBE type.
  - Form SMS 4901, “DBE Commitment Form” – signed by Prime and DBE
  - Form 4011, “DBE Substitution Request”
  - If the DBE is a trucking firm, the Trucking Utilization form will also be required.
- DBE Substitution Request must be approved prior to changes in TxDOT DMS Portal.
- Request must be entered into TxDOT DMS Portal with executed DBE subcontract / P.O. Agreement.

## DBE Noncompliance: Good Faith Effort (GFE)

Refer to 49 CFR Part 26, [Appendix A](#), “Guidance Concerning Good Faith Efforts.” Prime contractors must make GFE to meet the DBE contract goal, either by meeting the goal or by documenting GFE to meet the goal. It is important to consider the quality, quantity, and intensity of the different kinds of efforts made to adequately make a good faith effort based on the regulations and guidance in this Appendix.

It is the contractor’s responsibility to maintain and submit documentation to TxDOT for review and determination that there was a GFE to reconcile the DBE goal shortfall by using Form 4013, “Good Faith Effort Form.”

## Examples of Supporting Documentation

- Previous utilization plan submission(s)
- Proof of communication to other companies (including company name, date, name, title, and cell phone number of individual(s) contacted for the purpose of soliciting a DBE Subcontract Agreement).
- Corrected subcontractor agreements

When first notified, start coordination with the DDC and then review submitted documentation for completeness and compliance. Escalate questions to DDC, District’s DOC DBE liaison, who will coordinate with CIV.

## Best Practices

The following pages provide examples of best practices that may be useful but are not required. These include the following.

- Example letter template – “50% Project Complete – DBE Status Update”
- Example job aid – “One-Page CUF Review”
- Example CUF review tracking tool with description

Thank you to the Houston District’s Brazoria Area Office for providing these examples as optional resources.

# Construction Recordkeeper Job Aid

## Example Letter Template – “50% Project Complete – DBE Status Update”

[Month Day, Year]

[Contractor Name]

[Contact Name]

[Contractor Address]

[City, State Zip Code]

RE: Project: [Federal Project Number]  
Control: [CCSJ]  
50% Project Complete – DBE Status Update

[Contact Name]:

The [Area Office Name] is requesting [Contractor Name] to provide a **DBE Status Update** to verify the ability to complete the subject project in reasonably close conformity with the DBE project-level goal, including authorized changes. The information provided will help verify the ability to meet the project-level DBE goal as stated in the subject project's Utilization Plan so that *if a shortfall exists or is expected*, corrective action can be taken.

We as a team must meet the DBE Program requirements as listed in 49 CFR Part 26. Please provide the required documentation below and any other additional documentation necessary.

Firm	Contract Value	DBE Goal %	DBE Commitment Amount \$	Race Conscious		Race Neutral	
				Amount \$	% Met	Amount \$	% Met
Sub 1							
Sub 2							
Sub 3							
Sub 4							

Please contact [Recordkeeper Name] at [Telephone], [Recordkeeper Email] or me at [AO Telephone], [AE Email] if you have any questions.

Sincerely,

[Area Engineer Name]

[Area Office Name]

[District Name]

cc: [TxDOT Staff Name], Assistant Area Engineer, TxDOT  
[TxDOT Staff Name], Project Manager, TxDOT  
[TxDOT Staff Name], Recordkeeper, TxDOT

# Construction Recordkeeper Job Aid

## Example Job Aid – “One-Page CUF Review”

### Commercially Useful Function (CUF) Review

Per 49 CFR 26.55(c) “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 CUF review is required for all DBE firms**, including projects with a 0% DBE goal. This also includes DBE subcontractors, truckers, suppliers, and other vendors where a subcontract is not required.

- PM/Inspector – CUF must be performed **within 30 days of DBE beginning work**.
- Record Keeper – CUF review and supporting documentation **within 60 days of beginning work**.
- CUF must be completed and uploaded **within 30 days of the CUF review**.

It is the primary responsibility of the prime contractor to ensure that the DBE is performing a CUF.

#### Recordkeeper:

CUF Review – Material Supplier (Form 2669) – completed, signed, and returned by material supplier

- Copy of subcontractor agreement
- Copies of certified payrolls from the same pay period as the review
- Copy of check from Prime to Sub
- Canceled checks: Sub to Suppliers

*CUF reviews must be complete: signed and date of compliance review before entering in DMS or uploading into ProjectWise*

#### File naming convention:

XXXX-XX-XXX – CUF – DBE Name

#### PM or Inspector:

CUF Form 2182

- Titles of ownership and/or lease agreements for equipment.
- Invoices and Haul Tickets showing who they are made out to.
- List of names and titles of crew present at time of review.
- Pics of equipment, vehicles, PPE, license plate, etc. that have DBEs name/logo

*When a CUF is conducted: Inspector needs to add remark to DWR and notify the recordkeeper*

For more complete information:

[https://onlinemanuals.txdot.gov/TxDOTManuals/dlg/cuf\\_review.htm](https://onlinemanuals.txdot.gov/TxDOTManuals/dlg/cuf_review.htm)

<https://ftp.txdot.gov/pub/txdot-info/ptn/programs/dbe/cuf.pdf>



Figure 1: Equipment license photo.



Figure 2: PPE w/DBE logo



Figure 3: Equipment w/ DBE name/logo, license plates and truck number.

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## Example CUF Review Tracking Tool with Description

RK	Firm	CSJ	Type	Cert.	CUF Done	CUF AO Rev.	CUF Sent to DOC	CUF DOC Approv.	Est. Work Begin Date
JG	Zachry Construction Corp	0188-05-026	Prime	No	N/A				6/27/2022
JG	GMJ Paving	0188-05-026	Sub	DBE	Yes				4/26/2023
JG	Primate Construction	0188-05-026	Sub	DBE	8/1/2022	8/30/2022	9/28/2022	10/30/2022	8/1/2022
JG	Professional Traffic Control	0188-05-026	Sub	DBE	7/8/2022	8/6/2022	9/4/2022	10/6/2022	7/11/2022
JG	Roadway Construction	0188-05-026	Sub	DBE	Yes				10/23/2022
JG	Texas Environmental Mgt	0188-05-026	Sub	DBE	6/28/2022	7/27/2022	8/25/2022	9/26/2022	6/27/2022
JG	Willow City Sign and Rail	0188-05-026	Sub	DBE	7/13/2022	8/11/2022	9/9/2022	10/11/2022	7/14/2022
JG	Anderson Dump Trucking	0188-05-026	Sub	DBE	No				6/19/2022
JG	C.G. Anthony Deliveries	0188-05-026	Sub	DBE	7/13/2022	8/11/2022	9/9/2022	10/11/2022	7/14/2022
JG	Hermanos Steel	0188-05-026	Sub	DBE	Yes				12/1/2022
JG	Who-B Trucking, Inc.	0188-05-026	Sub	DBE	No				
JG	Curb Planet	0188-05-026	Sub	DBE	YES				
JG	Antigo Construction	0188-05-026	Sub	SBE	N/A				
JG	Dustrol	0188-05-026	Sub	no	N/A				
JG	HB Farmer Foundation	0188-05-026	Sub	no	N/A				
JG	Third Coast Services	0188-05-026	Sub	no	N/A				
JG	Protective Resolution, LLC	0188-05-026	Sub	DBE	yes				
JG	Joslin Construction	0188-05-026	Sub	no	N/A				
JG	Aims Companies	0188-05-026	Sub	no	N/A				
JG	JH Contract Field Services LLC	0188-05-026	Sub	no	N/A				

The tool allows the recordkeeper, inspector, and PM to identify missing CUFs, ensure CUF process timeliness, and improve compliance.

The tool assists the recordkeeper in monitoring all DBE and SBE firms at the same time, by PM, CSJ, certification type, contractor, and CEI if available.

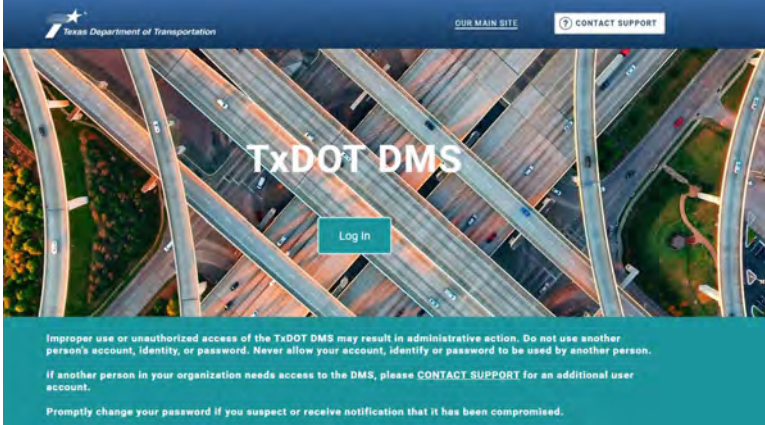
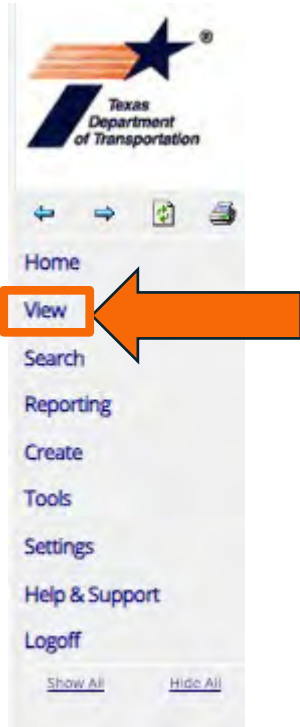

- Allows all projects by PM to be selected and identify CUF Status for all DBEs
- Provides at-a-glance reminder on which CUFs are missing and what DBEs have and have not begun work on site, which would trigger the CUF

Recordkeepers can provide the inspectors and PMs a printout as a follow-up on DBEs with no CUFs performed.



# Construction Recordkeeper Job Aid

## DBE Monitoring and Compliance – Monthly Audits in DMS

	<p>1. <b>Log in to TxDOT's DMS portal</b> monthly to conduct audits.</p>
	<p>2. <b>Find the contract</b> via the search feature or under your contracts.</p>
	<p>3. <b>Compliance Audit List</b> shows the overview of your monthly audits for the specific project.</p>

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4. The summary page shows several different items for review. Reference CIV's guidance document for more information:

Crossroads > Divisions > Civil Rights Division (CIV) > Documents > Procedures

- Under the header **Audit Period**, look for **red flags**. The recordkeeper needs to address and resolve all red flags and red writing. Any issues regarding prompt payment or non-payment should be resolved with the prime and subcontractor with notes made in DMS.
- Add a comment** to document how issues were addressed. See example notes entered by the recordkeeper regarding steps taken towards a resolution between the parties.

Compliance Audit List

Audit Period	Status	Paid To Prime	Total Lines		Reported By Prime		Not Reported By Prime		Confirmed By Sub		Not Confirmed By Sub		Disputed By Sub		Date Posted	Action
					Amount	Lines	Amount	Lines	Amount	Lines	Amount	Lines	Amount	Lines		
TOTALS		\$102,480,426	594	594	\$6,697,598	0	594	\$6,697,598	0	\$0	0	\$0	0	\$0		
Oct 2024		\$3,636,827	7	7	\$103,783	0	7	\$103,783	0	\$0	0	\$0	0	\$0	11/11/2024	View Audit
Nov 2024		\$55,549	7	7	\$55,549	0	7	\$55,549	0							
Dec 2024	Not reported		7	7	\$43,227	0	7	\$43,227	0							
Jan 2025		\$218,553	7	7	\$114,817	0	7	\$114,817	0							
Feb 2025	Not reported		7	7	\$96,576	0	7	\$96,576	0							
Mar 2025	Not reported		7	7	\$52,066	0	7	\$52,066	0							
Apr 2025		\$1,472,151	8	8	\$182,142	0	8	\$182,142	0							
May 2025		\$72,818	8	8	\$58,823	0	8	\$58,823	0							

Compliance Audit List

Audit Period

TOTALS

a.

Audit Period
TOTALS
Oct 2024
Nov 2024
Dec 2024
Jan 2025
Feb 2025
Mar 2025
Apr 2025
May 2025

b.

Add Comment

Comment

9/18/24-JMHP acknowledged report.

9/12/24-discussed JMHP acknowledging during TxDOT Monthly Meeting. Johnson Bros to contact JMHP.

8/28/24-sent email to Paul Gremillion and David Galther to acknowledge DMS report.

8/5/24-notified TxDOT BAO JMHP not acknowledging report. Resent notice to JMHP. Sent email to Johnson Bros. requesting update.

7/29/24-asking Patrick Ryan to contact Johnson Bros to resolve issue.

7/9/24-asked Johnson Bros by email to contact JMHP to acknowledge.

6/27/24-left voice message with JMHP to acknowledge or let me know of any issues.

6/12/24-contacted JB to review with JMHP for acceptance.

6/12/24-sent JMHP message inquiring if help is needed.

5/28/24-asked JMHP to verify payment

5/7/24-Lochner notifying Johnson Bros to pay Non-Payment monies- White Cap \$36,405.93.. TX Environmental \$15,281.97.. JMHP \$276,165.56.. Creacom \$648,964.80.. Batterson \$134,631.53.. Royal Rebar \$39,225.00.. Primate Const. \$14,977.31.. CMC Const. Services \$54,780.00



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c.

Paid To Prime
\$103,481,426
\$3,636,837
\$592,549
Not reported
\$2,218,503
Not reported
Not reported
\$1,472,151
\$729,133

Audit Period	Status	Paid To Prime
TOTALS		\$24,477,832
<a href="#">Nov 2024</a>		\$77,826
<a href="#">Oct 2024</a>		\$298,772
<a href="#">Sep 2024</a>		\$957,713
<a href="#">Aug 2024</a>		\$279,418
<a href="#">Jul 2024</a>	Not reported	
<a href="#">Jun 2024</a>	Not reported	
<a href="#">May 2024</a>	Not reported	
<a href="#">Apr 2024</a>	Not reported	
<a href="#">Mar 2024</a>	Not reported	
<a href="#">Feb 2024</a>	Not reported	
<a href="#">Jan 2024</a>		\$0

c. The **Paid to Prime** column shows the amounts paid to the prime on the monthly estimates, as imported to DMS.

- Verify amounts are correctly imported monthly.
- Update any months that show **Not reported** to reflect the correct payment amounts.
- **All negative and zero-dollar estimates** show up in red as **Not reported** and must be manually entered by the recordkeeper as a **zero-dollar amount**.

In this example, several months are showing as **Not reported**. The recordkeeper will need to compare these estimates to the SiteManager Estimate Summary to verify the negative or zero-dollar estimate, and then **input the zero-dollar amount as the monthly amount**. The screenshot shows that in Jan. 2024, the Paid to Prime amount is entered as \$0, and is therefore no longer in red.

# Construction Recordkeeper Job Aid

Compliance Audit Information	
COMPLIANCE AUDIT PERIOD	February 2024
COMPLIANCE AUDIT STATUS	None selected <a href="#">Update</a>
COMPLIANCE AUDIT REFERENCE	<a href="#">Add Reference</a>
SYSTEM AUDIT NUMBER	04382189-0073
DATE POSTED	Local: 3/1/2024 4:30:24 AM CST System: 3/1/2024 4:30:24 AM CST
FINAL AUDIT?	No (mark audit as final)
PAYMENT TO PRIME	Not Reported <a href="#">Submit</a>



Compliance Audit: Prime Payment Detail for February 2024	
* required entry	
Payment Information	
COMPLIANCE AUDIT TIME PERIOD	February 2024
PAYMENT TO PRIME	Not Reported
PAYMENT DATE	
COMMENTS	
Update Payment Data	
You can add the amount paid to the prime. Any changes will permanently replace information from your financial system.	
AMOUNT FOR FEBRUARY 2024 *	\$ 0.00
PAYMENT DATE	<a href="#">View Add Dates</a>
COMMENTS *	
<a href="#">Save</a> <a href="#">Clear Payment Info</a>	



The month of February 2024 shows the payment to prime as **Not Reported**. All monthly estimates should be reported in DMS. Estimates are behind in transferring over to DMS, so the months do not always match with the estimate month in SiteManager. **Always ensure you have the correct estimate number before proceeding to entering the information.** Click on Submit and enter the correct information of payment made to the prime on the estimate.

**Enter in the comments section:**

- payment date of the estimate,
- estimate number, and
- the amount of the estimate.

Click Save.

# Construction Recordkeeper Job Aid

d.

Date Posted	Actions
\$0 11/1/2024	<a href="#">View Audit</a>
\$0 10/1/2024	<a href="#">View Audit</a>

i.

**Compliance Audit: Audit Summary for November 2024**

Main View Settings Sub Docs Change Orders & Task Orders Alerts Comments Messages Overview

Compliance Audit List Compliance Audit Summary Compliance Audit FY Review Site Visit Reports

INTERCHANGE (NEW OR RECONSTRUCTED)  
Prime: Williams Brothers Construction Co., Inc.  
10/6/2021 - 10/31/2026

**Compliance Audit Information**

COMPLIANCE AUDIT PERIOD: November 2024

COMPLIANCE AUDIT STATUS: None selected [Update](#)

COMPLIANCE AUDIT REFERENCE: [Add Reference](#)

SYSTEM AUDIT NUMBER: 06700095-0054

DATE POSTED: Local: 12/1/2024 5:31:27 AM CST  
System: 12/1/2024 5:31:27 AM CST

FINAL AUDIT?: No (mark audit as final)

PAYMENT TO PRIME: \$2,218,802.53 on 11/8/2024 [Edit & View Details](#)

[Add Comment](#)

**Compliance Audit Summary - November 2024 and Totals To November 2024**

d. Under the **Actions** column on the Summary Page is a **link to View Audit**. If there are comments on the audit, a gold paper icon will be visible. Complete these monthly and review for accuracy against the SiteManager estimates.

Click on **View Audit**. This shows several items that the Recordkeeper will need to verify.

i. Confirm the project information is correct.

## Compliance Audit Information

COMPLIANCE AUDIT PERIOD: October 2024

COMPLIANCE AUDIT STATUS: None selected [Update](#)

COMPLIANCE AUDIT REFERENCE: [Add Reference](#)

SYSTEM AUDIT NUMBER: 06700095-0053

DATE POSTED: Local: 11/1/2024 5:18:24 AM CDT  
System: 11/1/2024 5:18:24 AM CDT

FINAL AUDIT?: No (mark audit as final)

PAYMENT TO PRIME: \$1,384,743.21 on 10/9/2024 [Edit & View Details](#)

ii. Review the **Compliance Audit Information** section and confirm:

- the correct month is shown and
- payment to the prime is the correct amount paid on that estimate.

**Note:** The date in this section (**Date Posted**) is the date payment to the prime contractor imported into DMS, not the date the prime contractor was paid. Do not use this date to determine prompt pay. Texas Transportation Code states that TxDOT cannot release payment to the prime until the 10th of each month, except for when the 10th falls on a weekend, then payment to the prime is the Monday after the 10th.

# Construction Recordkeeper Job Aid

**Subcontractors - October 2024**

Subcontractor	Cost	Type	Inc. in Goal for Period	This Period	Confirmed By Sub	Total Payments to October 2024
1) American Remediation Options, Inc. (TxDOT) 5501 S. 12th St. P.O. Box 1000 P 281-529-7400	100%	Sub	DBE	\$0.00 <a href="#">View Edit</a>	Confirmed <a href="#">View Edit</a>	\$571,043.54
2) Contractors Source, Inc. (TxDOT) 10001 S. 12th St. P.O. Box 1000 P 281-529-7400	100%	Reg. Dealer	DBE	Not included in audit <a href="#">Add to audit</a>		\$0.00
3) Mesa Red Builders, Inc. (TxDOT) 10001 S. 12th St. P.O. Box 1000 P 281-529-7400	100%	Sub	DBE	\$178,242.65 <a href="#">View Edit</a> Prompt: Yes	Confirmed <a href="#">View Edit</a> Prompt: Yes	\$1,152,977.09
4) Davis Threading & Fabrication, LLC (TxDOT) 10001 S. 12th St. P.O. Box 1000 P 281-529-7400	100%	Manufacturer	DBE	\$0.00 <a href="#">View Edit</a>	Confirmed <a href="#">View Edit</a>	\$57,730.20

Click subcontractor name to view payment history for this contract. Click contact person's name to send them a message.

iii. Review the **Subcontractors** section.

- Monthly payments to subcontractors should be confirmed and prompt.
- Address and clear discrepancies monthly.
- The “Inc. in Goal for Period” column shows DBE status as a Race Conscious (RC) or Race Neutral (RN) DBE and whether they are included for the period.
- The “Total Payments for [Mo. Year]” column shows the cumulative amounts paid to the DBEs. **If there have been payments to the DBE, there should already be a CUF started.**

# Construction Recordkeeper Job Aid

## Compliance Audit: Audit Summary for

Main View Settings Subs **Docs** Change Orders & Task Orders Alerts Comments Messages Closeout  
Compliance Audit List Compliance Audit Summary Compliance Audit FY Reviews Site Visits Reports

04193009: Widen Freeway  
Prime: Texas Materials Group, Inc.  
5/14/2019 - 5/30/2025

Add Comment

Comment

Audit Complete - 08/04/2023 Est# 4 \$838,357.47 - Heather Tanner

iv. For DBEs that have payments, verify that the following documents are on file under the **Docs** tab:

- subcontract agreements
- subcontractor request for approval, and
- work items.

Once all information for the month has been reviewed, **Add Comment**. Include the:

- estimate number and
- amount of estimate

## Compliance Audit: Audit Summary for Total Contract

Main View Settings Subs Docs Change Orders & Task Orders Alerts Comments Messages Closeout  
Compliance Audit List **Compliance Audit Summary** Compliance Audit FY Reviews Site Visits Reports

### Compliance Audit Summary - Total Contract

	Current Award	#	Award Percent	Payments	#	Payments Percent	Difference (Payments - Award)
Prime Contract	\$24,913,003.92			\$24,478,037.81			
For Credit	\$1,743,957.87	5 subs	7.000%	\$1,843,736.13	5 subs	7.532%	0.532% above goal
Goal Types							
For Credit to DBE Goal	\$1,743,957.87	5 subs	7.000%	\$1,843,736.13	5 subs	7.532%	0.532% above goal
Contract Progress	88%						
For Credit Progress	100%						

Amounts listed in the summary table above are payments retained by each subcontractor after payment of successive lower-tier subcontractors. Award values may not match due to differences between overall contract goal and subcontractor assignments.

v. Navigate to the **Compliance Audit Summary** tab to review DBE information monthly.

The top section, **Compliance Audit Summary – Total Contract** displays the percentage of the contract progress and the percentage of DBE participation progress.

# Construction Recordkeeper Job Aid

Prime Contractor - Total Contract						
Prime Contractor		Cert	Inc In Goal	Contracted % Paid %	Paid To Prime Prime's Share	
<b>Texas Materials Group, Inc.</b> Jessica Alarcon jessica.alarcon@txdot.gov P 409-285-1444		DB	100	72.00% 77.00%	\$24,873,038 \$19,055,088	

Subcontractors - Total Contract (6 subcontractors)						
Subcontractor		Cert	Type	Inc In Goal	Contracted % Paid %	For Credit \$
<b>1) CEN TEX Hydroseed, Inc.</b> Elizabeth Lee W Richards censtexhydroseed@gmail.com P 936-395-0374 F 936-395-0375		DB	Sub	100%	0.28% 0.20%	\$50,102 \$50,102

Subcontractors - Total Contract (6 subcontractors)						
Subcontractor		Cert	Type	Inc In Goal		
<b>1) CEN TEX Hydroseed, Inc.</b> Elizabeth Lee W Richards censtexhydroseed@gmail.com P 936-395-0374 F 936-395-0375		DB	Sub	100%	DBE	
<b>1) CRANFORD BARRICADE SYSTEMS, INC.</b> Debbie Crawford debbie@cranfordbarricade.com P 409-842-8010 F 409-842-0583		DB	Sub	100%	DBE	
<b>1) J &amp; M CONTRACTING COMPANY</b> Dorena Kinnor dorena.kinnor@jmccontracting.com P 936-291-1691 Ext. 108 F 936-291-7980		DB	Sub	100%	DBE	
<b>1) John Reed and Company, Ltd.</b> John Schmale john@jrc.com P 713-785-8911 F 713-785-8918		No	Sub	No	No	
<b>1) J.R. Pinnacle Group, LLC</b> Lauren LaCombe lauren@jrpinnacle.com P 909-754-0099		DB	Sub	100%	DBE	
<b>1) Mesa Road Builders, Inc.</b> Bernardo Salinas bernardosalinas@mrbuilders.com P 810-423-4444 F 713-697-0478		DB	Sub	100%	DBE	

Inc In Goal	*Contracted %	*Paid %	*Contracted \$	*Paid \$	For Credit \$
DBE	0.28%	0.20%	\$69,387	\$50,102	\$50,102
DBE	1.01%	0.86%	\$251,496	\$209,328	\$209,328
DBE	4.91%	5.76%	\$1,224,385	\$1,409,062	\$1,409,062

The middle section, **Prime Contractor – Total Contract**, displays the payments made with the percentage of the contract paid to the prime to date.

The bottom section, **Subcontractors – Total Contract**, displays all the DBE subcontractors on the project and their progress.

Each month review the subcontractors' information as follows.

- **Cert** column displays DBEs certified during the performance period.
- **Inc. in Goal** column displays the type of certification of the subcontractor: RC or RN.
- Review information on all RC DBEs monthly.
- Monitor **Contracted \$ Paid \$** to make sure the DBE is being paid the contracted amount on the UP.



## Construction Recordkeeper Job Aid

The above example shows the information available to the recordkeeper this month:

- The first DBE hasn't met the dollar amount of their contract yet, which means they haven't met the percentage of work they are to perform on the contract yet either. Payments should continue to be made to this DBE; if not notify the DDC that you may have a DBE goal shortfall to see if a Good Faith Effort form needs to be completed at this time.
- The last DBE shows they have been paid more than the contracted dollar amount, so they have met the commitment to this DBE at this time. DBE goals are percentages of the final contract; if this contract has change orders adding money to the contract, this DBE may still do extra work, and that money will add to the percentage of work allotted to DBEs on this contract.

For additional information on how to review or perform functions in DMS, please refer to Crossroads CIV documents for the user guide to DMS.

For information on what to do with non-performing or non-compliant contractors, subcontractors, etc., please refer to your DDC.