



Office of Civil Rights Training

Companion Guide to Video DBE Trucking

DBE Trucking Provisions

- ❑ DBE trucking firm used to meet committed DBE goal for the project.
 - 09.00 Commercially Useful Function (d) DBE Trucking Firms – Found in the DBE Supplemental Required Contract Provisions.
 - Provision for DBE Trucking firms are whenever a DBE trucking firm has been committed to meet an assigned DBE contract goal, the Contractor shall ensure that the Committed DBE individually identified each truck intended for use on the Project on its “Disadvantaged Business Enterprise Work Plan Proposal – Form 3A “, referenced as the 3A Work Plan. These trucks will also be tracked on the DBE Daily Trucking Logs. Additional trucking provisions are detailed out in the DBE Trucking Firms CUF Requirements section found at the bottom of the companion guide under Resources and Links.
- ❑ Subcontract for Trucking Services
 - If the services are under Rental of Operated Equipment or Trucking and they are provided by a committed DBE firm, a subcontract is required under 00180.21. For this purpose a committed DBE firm is one that was identified by the Contractor to meet an assigned DBE goal including DBE firms substituting for DBE firms committed as a condition of Contract Award.
 - Oregon Standard Specifications for Construction section 00180.21. This link can be found at the bottom of the companion guide under Resources and Links.
- ❑ Detailed Information About Each Driver
 - Detailed information is required to be included on the 3A Work Plan in Section C.) Equipment Required. This information is required under subsection 2. Trucks: When the DBE has been subcontracted to perform trucking on the project, provide the following additional information regarding all the trucks the DBE will use to perform the work. Complete all fields for each truck: License Plate No, Make/Model, Owner Name, Driver Name, Owned/Leased, DBE/Non-DBE. If the Project Manager/Resident Engineer (PM/RE) office needs to verify any trucking information submitted on or with the 3A Work Plan, this information can be verified on Oregontruckingonline.com and the COBID website. This information can be found at the bottom of the companion guide under Resources and Links.
 - All attached agreement(s) for any leased or rented equipment, including trucks should be submitted on the 3A Work Plan. This could be a list of trucks, with the required information including drivers as an attachment.
 - The 3A Work Plan will be compared to the CUF and DBE Daily DBE Trucking Logs so this information is very important to be accurate and up-to-date.

DBE TRUCKING

DBE Trucking Provisions

- Committed DBE Trucking Firm Provisions and Requirements

DBE Trucking Log

- Form Requirements

DBE Trucking Verification

- CUF
- Full-Shift Verification

DBE Trucking CUF Evaluations

- CUF Evaluations and Tools

DBE Trucking Lease Agreements

- Lease Agreement Requirements

Resources and Links

- Revisions to the 3A Work Plan can be submitted at any time, all leased trucks/drivers need to be approved prior to working on the project.
- Owner/Operator Requirements also Apply
 - 00170.65(b)(4) **Owner/Operator Data** - The Contractor shall furnish data to the Engineer for each owner/operator providing trucking services. Furnish the data before the time the services are performed and include without limitation for each owner/operator:
 - Driver's name;
 - Copy of driver license;
 - Vehicle identification number;
 - Copy of vehicle registration;
 - Motor vehicle license plate number;
 - Motor Carrier plate number;
 - Copy of ODOT Motor Carrier 1A Permit; and
 - Name of owner/operator from the side of the truck.
 - Oregon Standard Specifications for Construction – 00170.65(b)(4)

DBE Trucking Log

- The Contractor shall furnish a DBE Daily Trucking Log of all trucking work performed under the Committed DBE's subcontract. The "Daily DBE Trucking Log" (Form 734-2916), (or an approved equal form that contains all the information on the ODOT form, including the certification) shall be completed for each day work is performed under the DBE's subcontract. The Daily DBE Trucking Log shall identify all trucks under the management and supervision of the DBE subcontractor used on the project.
- The Contractor shall submit the Daily DBE Trucking Log to the Engineer on a weekly basis and no later than 14 calendar days after the first recorded date of the log.
- Trucking logs required for committed DBE trucking subcontracts. This information on the trucking log includes license late, truck number, name of truck owner, name of truck driver, lease/owned, DBE/Non-DBE, hours worked per day, the rate of each truck.
- This information is important for DBE Crediting

DBE Trucking – CUF and Full-Shift Verification

- CUF review & Work Plan still required
 - All trucks utilized by the DBE trucking firm owned or leased must be submitted onto the 3A Work Plan. The DBE shall be responsible for the management and supervision of the entire trucking operation for which it is responsible on a particular contract, and there cannot be a contrived arrangement for the purpose of meeting DBE goals. The DBE firm will dispatch the trucks and manage the operations.
- Leased trucks must be listed on the 3A Work Plan
 - All trucks including any lease trucks must be approved before performing work on the project. All trucks including lease trucks must be listed on the 3A Work Plan and approved in order to receive DBE credit.
 - For a lease to be considered valid, the lease must include such items as the lessor's name, list of trucks to be leased, vehicle identification number (VIN), and the agreed upon amount of the cost and method of payment.
- Independent verification of all trucks DBE uses on the project
 - DBE Truck Monitoring can be found on ODOT Construction Manual, Chapter 18 – Workforce and Small Business Equity Programs section (f) DBE Truck Monitoring)

- In addition to the CUF review, the PM/RE offices are also responsible for performing an independent verification of all trucks used on the Project for a full work shift.
- Reviews are Random
 - The PM/RE office must, without prior notice to any Contractor or Subcontractors, independently verify at least 10% of the total value of DBE trucking services being provided on the project.
- Review at least 10% of the total DBE trucking
 - The PM/RE will generate the shift verification listing of trucks from one of the following methods below:
 - Use truck tickets for weighed material delivery, where appropriate.
 - Use an Inspector to maintain a log or photograph of all trucks entering the Project for the selected day.
 - For Projects where it is not practical to identify every truck on the Project for a given day, the PM/RE will develop and document an alternate Plan in cooperation with the regional Field Coordinator.
 - Again, the PM/RE office should not provide advance notification to the DBE Subcontractor for Days performing the independent verification.
 - The PM/RE office will:
 - Choose random peak trucking days to perform the verification
 - Verify all trucks in use on the Project for a full shift verification
 - Compare the RE/PM's approved list of trucks on the Project to the appropriate daily log provided by the DBE Subcontractor
 - Contact the field coordinator if there is a discrepancy in the comparison and to assist in investigating the discrepancy. Document the resolved discrepancy

If the discrepancy is unresolved, the verification will be expanded until the PM/RE and the field coordinator are satisfied that appropriate DBE credit is being given on the Project. DBE credit will be given based on the total Subcontractor trucking logs, provided the comparison validates the Contractor's Daily DBE Trucking Log and meets the 1:1 DBE Ratio of DBE trucks vs non-DBE trucks under DBE Crediting. That link can be found at the bottom of the companion guide under Resources and Links.

DBE Trucking – CUF Evaluation

- DBE Must own and operate at least one truck
 - The DBE trucking firm is required to own and operate at least one fully licensed, insured, and operational truck used on the contract.
 - To perform a CUF, a DBE must also be responsible for the management and supervision of the entire trucking operation or a specified portion of the trucking operation to which it has been committed. There cannot be a contrived arrangement for the purpose of meeting a DBE goal.
- DBE may lease trucks from:
 - Other DBEs (including Owner Operators) for full credit
 - Non-DBEs (including owner operators) for credit, but not to exceed the value of work by DBE trucks
 - The 1:1 ratio does apply in this scenario and the DBE crediting information can be found in the additional links
- No DBE credit for work by trucks leased from Prime
 - Crediting regulations can be found 49 C.F.R. §26.55(a)(1)
- DBE Daily Trucking Log required in order to receive credit
 - All trucks on the daily log should be approved on the DBE 3A Work Plan prior to performing work onsite with all the requirements
- Contractor received credit only for the fee or commission it receives as a result of the lease arrangements.
 - Additional trucking crediting regulations can be found 49 C.F.R. §26.55(d)

- Review the FHWA Tips on Evaluating a Commercially Useful Function (CUF)
 - DBE Trucking Firms
 - This can be found at the bottom of the companion guide under Resources and Links

DBE Trucking – Lease Agreement

- The lease must indicate that the DBE has exclusive use of and control over the truck.
 - When a DBE is a trucking firm, it must oversee the entire portion of the work it is committed to perform And gives the DBE absolute priority for use of the leased truck
- Lease give the DBE absolute priority for use of the leased truck
 - This requirement does not preclude the leased truck from working for others during the term of the lease with the consent of the DBE, so long as the lease gives the DBE absolute priority for use of the leased truck. Otherwise, the DBE does not receive full credit for DBE participation.
- Leased trucks must display the name and identification number of the DBE.
 - The DBE trucker and lease trucks must also hold the necessary, where appropriate, license, hauling permit, etc., as required by the State to transport material on public highways.
 - To count the value of DBE trucking services toward a contract goal, the following can occur:
 - The DBE may lease trucks from another DBE, including an owner-operator that is certified as a DBE. The DBE can count the entire value of services performed by these DBE trucks.
- Owner/operator requirements also apply
 - As discussed above, owner/operator requirements also apply: 00170.65(b)(4)
- Lease must indicate: Lessors names, list of trucks to be leased, VIN, agreed upon amount of the cost and method of payment
 - All DBE trucks including lease trucks must be approved before performing work onsite and receiving credit.
 - 1:1 Ratio of DBE crediting: See crediting guidance on trucking 49 C.F.R. §26.55(d)

Resources and Links:

- [Electronic Version of Disadvantage Business Enterprise Regulations for 49 CFR Part 26](#)
- [Official Questions and Answers Covering Disadvantage Business Enterprise Regulations for 49 CFR Part 26](#)
- [FHWA Tips on Evaluating a Commercially Useful Function](#)
- [Work Plan Proposal - DBE \(Form 3A\) #734-2165A](#)
- [Daily DBE Trucking Log #734-2916](#)
- [Oregon Standard Specifications for Construction 2018](#)
- [Oregontruckingonline.com](#)
- [COBID](#)
- [Oregon Department of Transportation Construction Manual](#)