

**Example Disadvantaged Business Enterprise (DBE)
Submittal Package
Instructions and Guidance**

All prime contractors (DBE or non-DBE) must submit DBE paperwork on any federally funded project with DBE goals. This paperwork consists of the ITD-2396, DBE Commitments form, and a quote or ITD-2399, DBE Commitments Template with all of the required information, as noted on the ITD-2396, or the DBE Instructions. The Idaho Transportation Department has created these instructions in combination with several examples, in order to assist the bidding contractors and the DBE firms (prime or not) with completing the paperwork correctly in order to avoid having their bid deemed irregular by the Department. Please keep in mind that document screenshots may not depict the most recent version of the document. Please make sure to download the most recent version for your DBE Submittal Package.

Attached please find the example pages of the DBE Submittal Package:

- ITD-2396 Form, Example DBE Commitments Form (1 example)
- ITD-2399 Form, Example DBE Commitment Statement Templates (3 examples)
- Example Quotes and Example DBE Commitment Statement (3 examples)

The Department has created a fictitious project with fictitious Contractors in order to provide some example documents that reflect a real situation in the case where the bidder is able to meet or exceed the project DBE goal. The example of good faith effort will be provided in separate instructions at a later time. The following examples and these instructions are meant to provide the Prime Contractor (DBE or Non-DBE) and the DBE firms some guidance on completing the forms to have a complete and “regular” DBE Submittal Package.

In preparation for completing your DBE paperwork, assemble your quotes with commitment statements and/or the ITD-2399 documents in one place.

Page 1 ITD-2396, DBE Commitments

This form is intended to be completed by the Prime Contractor. The following information in the top section of page 1 of ITD-2396 must be completed.



Your Safety • Your Mobility
Your Economic Opportunity

**DISADVANTAGED BUSINESS ENTERPRISE (DBE)
COMMITMENTS**

ITD 2396 (Rev.06-12-2020)
itd.idaho.gov

This commitment form must be accompanied by a DBE Statement of Confirmation from each DBE listed, along with any documentation relating to good faith efforts. Award of the contract is contingent on good faith efforts to provide opportunity for DBE participation in this project. Failure to complete items will result in an irregular bid. All documentation must either be emailed to DBESubmittal@itd.idaho.gov or delivered to ITD Headquarters at 3311 W. State St., Boise, ID 83703 on bid opening day by 5:00pm MT.

Bid Date: 4/7/2020 Bid Amount: \$ 10,000,000.00

Key Number	Project Number	Project Name		
12345	A012(345)	I-84, DBE Road		
Prime Contractor		Prime Contractor EEO Officer	EEO Officer Phone #	Prime Contractor EEO Office Email
XYZ Paving Company		George Lucas	208.555.1212	glucas@gmail.com
Prime Contractor's Signature (must be handwritten or digitally certified)			Date	Prime Contractor Phone Number
<i>George Lucas</i>			4/7/2020	208.555.1212

Assigned goal for DBE subcontractors and suppliers for this project: 6 %

Bid Date: Bid opening date

Bid Amount: The bid amount must be filled in in order to calculate the commitment percentage.

Project Information: The key number, project number, prime contractor, prime contractor EEO officer, EEO officer phone, email, and the prime contractor’s Signature (must be handwritten or digitally certified).

Project Assigned DBE Goal: The Contractor should fill in the required DBE percentage, as indicated in the contract documents.

Before proceeding to Section 1 of the document, it is suggested that the Contractor read Section 2 for the requirements for the supporting documents, and then complete Section 3 on Page 3 of the 2396 so that the Contractor can organize their quotes and other documents before providing the totals in Section 1.

Section 3: Explanation of DBE Commitments

The Contractor will need to assemble the DBE paperwork in order to complete Section 3. Be sure to read the instructions in Section 2 and in the top cell of the columns of the table in Section 3, for whichever section being completed.

Section 3 - Explanation of DBE Commitments

Note: Use 'Alt'+Enter' to start a new line within a row if completing electronically.

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
Name of DBE Firm Being Committed to the Prime for this Project (include person who submitted the quote and contact information, to include phone number and address)	Items Quoted (List by Contract Item Numbers and Brief Work or Material Description)	For Materials Only: Supplied (S) Leased (L) Manufactured (M)	Total Amount Quoted by DBE
1) ABC Concrete, 123 Concrete Lane, Boise, ID; Joe Green 208.555.1312	502-140A, Conc Cl-40A, Sch No. 1; 502-140B, Concrete Cl 40A, Sch No 2; 2629-05A, Mobilization		\$ 440,000.00
2) Strong Rebar, LLC; 456 Weak Circle, Nampa, ID; Kim Lake, 208.555.3564	Metal Reinforcement, Sch 1; Metal Reinforcement, Sch 2; Dowel Assemblies for Concrete Cl 40A	S	\$ 200,000.00
3) Be Safe Traffic Control; Sue Cartright, 208.555.0486	See attached 2399 (or quote)		\$ 253,000.00

Note, when completing Section 3 electronically, you will often want to have multiple rows within the cell or numbered row of the spreadsheet. This can be accomplished by pressing the ‘Alt’ key simultaneously with the ‘Enter’ key to start a new line within the cell.

Column 1: Name of DBE Subcontractor or Supplier Being Committed to the Prime for this Project

Ideally, the Contractor would include all of the information requested at the top of column 1, however, the same information might also be found in some of the other documents that will be attached. At a minimum, Section 3, Column 1 must include:

- Name of the DBE Firm

- Contact Person and Contact Phone Number
- Including the address is optional unless this information is not provided elsewhere in the documentation

Section 3: Column 2, Items Quoted

Ideally, the information requested at the top of this column would all be provided here, however, the same information might be included elsewhere in the documents submitted. At a minimum, Section 2, Column 2 should include:

- Item number (only line number is not sufficient)
and/or,
- Brief Work or Material Description
- Alternatively, this column can reference the quote or 2399 Commitment Template by noting “See attached 2399” or “See attached quote”. If this method is chosen, be careful that the total amount quoted on the 2399 or quote matches the dollar amount in column 4, Section 3.
- Note that the DBE firm must be certified for the work that they are being committed to or the proposal may be deemed irregular; especially if the DBE commitment percentage falls below the required goal after subtracting out the items in which they are not certified. i.e., the DBE firm must be certified under the appropriate North American Industry Classification System (NAICS) code for the prime to receive credit.

Section 3: Column 3, For Materials Only:

The Contractor only needs to complete this column if the DBE is supplying materials, leasing materials, or manufacturing materials. Otherwise, this column can be left blank, or you may use “N/A” for Not Applicable.

Section 3: Column 4, Total Amount Quoted By DBE

For this column, the Prime must fill in the amount quoted by the DBE. This column is sometimes a little confusing because not all work receives 100% credit. A calculation has been added to page 1 for the Supplier to minimize the confusion with the partial credit. In the case of a Supplier, the “Total Amount Quoted” on page 3 will be 100% of the quote.

In the event that the Contractor wants to modify the DBE quote, the contractor must confirm with the DBE firm the proposed revised commitment. The DBE firm must acknowledge this in writing with the signature as described in Section 2. For this reason, if the DBE firm is not completing the form and the prime is completing the form, the DBE firm is advised not to sign the 2399 until all of the required information at the top of the form is completed.

Quotes and the ITD-2399, DBE Commitment Statement Template

Before moving to Page 1, Section 1 of the 2396, we will now discuss the contents of a quote and the ITD-2399, DBE Commitment Statement Template.

Per the Instructions on the 2396 in Section 2, DBE Submittal Package Instructions:

Section 2 -DBE Submittal Package Instructions

All documentation must be emailed DBESubmittal@itd.idaho.gov or delivered to ITD Headquarters at 3311 W. State St., Boise, ID 83703 by 5:00 pm MT on bid opening day.

DBE Submittal Package includes the ITD-2396, and the DBE quote or ITD-2399 with all of the following information:

- 1) Commitment Statement: a written statement that the DBE is committed to performing the work quoted, if selected.
- 2) Date
- 3) Prime Contractor (Can be shown as "To Prime Contractor" or "To All Prime Contractors"; Cannot be shown as "To All Bidders")
- 4) Project identifier (project name and/or key number)
- 5) DBE work items
- 6) DBE firm total (Must match the ITD-2396 form)
- 7) DBE Signature which can be in one of the following forms:
 - a) Handwritten signature or initials;
 - b) An electronic signature that is not typed using software (e.g., Adobe® Reader, Adobe Professional, Adobe E-Signature, DocuSign®);
 - c) Other acceptable forms of confirming the commitment include:
 - 1) Email with the DBE email return address, project name and key number in the subject line and place the committed dollar amount in body of the email with typed first and last name and title of sender.
 - 2) DBE Firm Letterhead with the project name, key number and the committed dollar amount in body of the letter with typed or signed first and last name and title.

Any changes to the original DBE Commitment must be accompanied by written acknowledgement from the DBE subcontractor, as noted above.

All documentation must be emailed DBESubmittal@itd.idaho.gov or delivered to ITD Headquarters at 11331 W. Chinden Blvd., Bldg #8, Boise, ID 83714 by 5:00pm MT on bid opening day.

DBE Submittal Package includes the ITD-2396, and the DBE quote or ITD-2399, DBE Commitment Statement Template with all of the following information:

- 1) Commitment Statement: a written statement that the DBE is committed to performing the work quoted, if selected.
- 2) Date;
- 3) Prime Contractor (Can be shown as "Prime Contractor" or "To All Prime Contractors"; cannot be shown as "To All Bidders");
- 4) Project identifier (project name and/or key number);
- 5) DBE work items;
- 6) DBE firm total (Must match the 2396 form);
- 7) DBE Signature which can be in one of the following forms:
 - a) Handwritten signature or initials
 - b) An electronic signature that is not typed using software (e.g., Adobe® Reader, Adobe Professional, Adobe E-Signature, DocuSign®).
 - c) Other acceptable forms of confirming the commitment include:

1. Email with the DBE email return address, the project name and key number in the subject line and place the committed dollar amount in body of the email with typed first and last name and title of sender.
2. DBE firm letterhead with the project name and key number and including the committed dollar amount in the body of the letter with typed or signed first and last name and title.

Any changes to the original DBE Commitment must be accompanied by written acknowledgement from the DBE subcontractor.

Quote

If the Contractor chooses to submit the Commitment Statement on a quote on their letterhead or from their email address, it must include the items listed in Section 2 of the ITD-2396.

We encourage firms to include their statement of confirmation and DBE signature, as described in Section 2, on their quote document if they choose not to use the 2399.

ITD-2399, DBE Commitment Statement Template

The DBE Commitment Statement Template was created in order to provide a document that has all of the information that is needed in one place for the DBE firm in conjunction with the required ITD-2396 completed document.

For this form to be acceptable, the top portion of the form must be completed, the DBE items being used for DBE goal credit must be listed along with their quoted amounts, and the form must have an acceptable DBE signature, as described in Section 2. All items must be listed with the Item No. they are related to so that the reviewer can determine the appropriate North American Industry Classification System (NAICS) code. Submitting for DBE credit in an area where the DBE is not certified can result in the prime not meeting the DBE program goal; especially if the DBE commitment total percentage does not meet the required DBE percentage after subtracting out the work in question. The DBE must know what they are being committed to, therefore, it is advised that the DBE Firm not sign the form until everything is complete.

GENERAL NOTES:

DBE Commitments: Please keep in mind any DBE commitment statements of confirmation **MUST** be made to the Prime Contractor (bidding on the project) regardless of subcontracting relationships.

DBE Commitment Modifications by Contractor/Bidder:

Any change to the original DBE Commitment must be accompanied by written acknowledgement from DBE subcontractor as described in Section 2 of the 2396.

Page 1, Section 1, Summary of DBE Goal Commitment

Assuming that the Contractor can meet the minimum required DBE Commitment percentage based on the quoted documents from the DBE firms, and once the DBE information is provided in all of the columns, as instructed, in Section 3 for all of the DBEs, the Contractor must return to Page 1 and complete Section 1 of the 2396.

Section 1 - Summary of DBE Goal Commitment (Items below must match commitment amount in Section 3.)

	Amount Quoted by Supplier	Commitment
1. One hundred percent (100%) of total amount to be performed by DBE firms, other than those listed in Item 2 through 5.		1) \$ 693,000.00
2. One hundred percent (100%) of total amount to be paid DBE Equipment leasers		2) \$
3. One hundred percent (100%) of total amount to be paid to DBE Manufacturers (e.g., asphalt emulsions, cutback asphalts, fabricated signs, or delivery companies)		3) \$
4. Sixty percent (60%) of total amount to be paid to DBE regular dealers/ suppliers	4) \$ 200,000.00	x60% = \$ 120,000.00
5. Net fee of DBE brokers or bonding agents		5) \$
Total lines 1 through 5		\$ 813,000.00

(Enter the overall total and DBE% above. The approved percentage of commitment is contractual.)

Line 1, One hundred percent (100%) of total amount to be performed by DBE firms, other than those listed in Item 2 through 5.

Whether the DBE firm is a Prime Contractor or Subcontractor, the amount shown should be 100% of the sum of all work by these firms that do not fall into the categories listed in items 2 through 5. This number should match the sum of all the amounts indicated in Column 4, Page 3, Section 3, minus the amounts where “For Materials Only” is marked in Column 3, Page 3, Section 3. If there is nothing to enter on this line, enter \$0, or leave it blank.

Line 2, One hundred percent (100%) of total amount to be paid DBE equipment leasers

DBE Equipment Leasers are marked with an “L” on Page 3, Section 3, Column 3. The total of the rows indicated with an “L” should be added to this line. If there is nothing to enter on this line, enter \$0, or leave it blank.

Line 3, One hundred percent (100%) of total amount to be paid to DBE Manufacturers

DBE Manufacturers are marked with an “M” on Page 3, Section 3, Column 3. Common manufacturers include those who make asphalt emulsions, cutback asphalts, or fabricated signs. If there is nothing to enter on this line, enter \$0, or leave it blank.

Line 4, Sixty percent (60%) of total amount to be paid to DBE regular dealers/ suppliers.

DBE Regular dealers or suppliers are marked with an “S” on Page 3, Section 3, Column 3. Common DBE suppliers provide, but do not install, rebar, metal reinforcement, guardrail, terminal sections, etc. If there is nothing to enter on this line, enter \$0, or leave it blank.

Line 5, Net fee of DBE brokers or bonding agents

DBE firms can include DBE brokers and bonding agents. The Prime Contractor can receive credit for the net fee provided to these DBE bonding firms. This is not the same as the bonding fees related to the DBE subcontractor provided by a non-DBE broker or bonding agent. While the Contractor may receive credit for bonding required for the DBE firm, the DBE firm must acknowledge it. These bonding costs must be associated with a bid item number on the quote, or 2399 and in Section 3. If there is nothing to enter on this line, enter \$0, or leave it blank.

Total Lines 1 through 5

The total sum of lines 1 through 5 MUST be entered on this line in dollars and in percent (to the 0.1%) of the overall bid amount.