

COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF TRANSPORTATION  
**CONSTRUCTION DIRECTIVE  
MEMORANDUM**

<b>GENERAL SUBJECT:</b>	UTILIZATION OF DISADVANTAGED BUSINESS ENTERPRISES AND SMALL WOMEN AND MINORITY FIRMS	<b>NUMBER:</b>	CD-2007-6
<b>SPECIFIC SUBJECT:</b>	FORMS AND REQUIREMENTS ON FEDERAL AID AND STATE FUNDED CONTRACTS	<b>DATE:</b>	July 26, 2007
		<b>SUPERSEDES:</b>	CD-2000-9
		<b>SUNSET/ EXPIRES:</b>	July 26, 2012

Original with signature on file in the office of the  
Scheduling and Contract Division

**W. BYRON COBURN, JR., P.E.  
STATE CONSTRUCTION ENGINEER**

**DIRECTED TO - DISTRICT ADMINISTRATORS**

Please be advised of the following changes:

Form C-63 will only be required for submission to VDOT on a quarterly basis (see submittal dates in the Form C-63 instructions).

Form C-63A has been eliminated and the Civil Rights Division will utilize prompt payment monitoring procedures to monitor prompt payment compliance.

The prime Contractor will not receive DBE participation credit until the DBE firm(s) have received full payment.

Disallowed credit will not be required on Form C-63. The Civil Rights database will capture all disallowed credit.

Form C-63 shall also include payments to SWAMs.

A DBE progress narrative is required in lieu of a DBE progress schedule.

In order to ensure uniformity of application, the guidelines established herein concerning the administration of contract requirements involving Disadvantaged Business Enterprises and Small Women and Minority (DBE and SWAM) participation on contracts are being emphasized:

**A. FORM C-63**

Form C-63 includes the cumulative total to date of the allowable participation credit to be reported; the amount paid, and the title of the individual completing the form with signature. Form C-63 is executed quarterly and at Semifinal and Final estimate times.

All disallowed credit will be captured in the VDOT Civil Rights database and will not be required on Form C-63.

When reporting amounts paid to certified DBEs which are to be claimed as participation credit, retainage withheld by the Contractor will be included in the DBE participation credit after final payment has been made to the certified DBE firm.

DBE and SWAM names shown on Form C-63 must be checked to ensure that their certification was current at the time the contract and subcontract were executed. The names and certification numbers of DBE and SWAM firms shall be exactly as shown on the Department of Minority Enterprise's latest list of certified DBE and SWAM firms.

Form C-63s submitted for construction or maintenance contracts shall be checked in its entirety at the District level for accuracy, then transmitted to the District Civil Rights Manager, no later than the date specified in the Form C-63 reporting schedule (see Form C-63 instructions). The District Civil Rights Manager (DCRM) must ensure all forms are properly completed before forwarding to the Central Office Civil Rights Division.

On Federal projects, Form C-63 must be submitted within the time specified in the Form C-63 instructions and will be compared with the DBE progress narrative and Form C-111, to insure compliance. Failure to submit Form C-63 may result in delaying approval of the Contractor's monthly progress estimate for payment. If the Contractor fails to submit properly executed forms and/or refuses to re-submit corrected ones, the DCRM will recommend that the approval of the Contractor's monthly estimate for payment be delayed until such time as corrected documentation has been received and approved.

On Federal projects nearing completion, the Contractor shall submit Form C-63 marked Semi-Final within 20 days of the submission of the last regular estimate. This will be accompanied by a letter of certification, signed by the prime Contractor and appropriate DBE, indicating the amount, including any retainage, which remains to be paid.

Within 30 days of the payment of the final estimate on Federal projects, the Contractor shall submit Form C-63 marked Final. The Final Form C-63 will be compared with the Semi-Final submission to ensure that prompt and proper payment has been made to the DBE-subcontractors, and to make certain that the Contractor has fully complied with the requirements of the Special Provision for Section 110.04 of the Specifications.

Form C-63 submittal on State projects shall be in accordance with section 110.04 of the specifications.

## **B. DBE PROGRESS SCHEDULE**

The Contractor shall submit to the Engineer its progress schedule as required by Section 103.06 of the Specifications or other such specific contract progress scheduling specification. The Contractor shall include a narrative of applicable DBE activities relative to work activities of the Contractor's progress schedule, including the approximate start times and durations of all DBE participation to be claimed for credit that shall result in full achievement of the DBE goal required in the contract.

On contracts awarded on the basis of good faith efforts as defined in Special Provision for Section 110.04, narratives or other agreeable format of schedule information requirements and subsequent progress made by the Contractor shall be based on the commitment information shown on the latest Form C-111 as compared with the appropriate Form C-63. These narratives are to be checked at the District level by the person in responsible charge of the project to ensure their accuracy and that they

represent a realistic time frame for achieving the required participation. The narratives are then forwarded to the DCRM for approval. Failure to submit these narratives within the required time frame may result in the withholding of the Contractor's first and all succeeding estimates until such narratives are submitted.

**C. SUBMISSION OF FORM C-61 for STATE FUNDED PROJECTS**

In accordance with Section 110.04 of the Specifications, within 14 days after the opening of bids in accordance with the requirements of Section 102.12, the apparent low bidder, as read at the bid opening, shall submit to the Department a fully executed Form C-61 indicating how the applicable potential achievements will be met, however:

The Department will no longer require the submission of Form C-61 for projects on which the Contractor does not intend to seek participation. The Contractor is required to submit the Form C-61 only if the firm intends to utilize SWAM Contractors for reporting purposes.

The changes as listed herein are effective July 1, 2007.

Your attention to the instructions herein will be appreciated, and will result in assuring more uniform administration of DBE and SWAM contract requirements, policies, and procedures.

- C: Commissioner
- Deputy Commissioner
- Commissioner's Staff
- Division Administrators
- District Construction Engineers
- District Maintenance Engineers
- District Materials Engineers
- District Preliminary Engineering Managers
- District Location and Design Engineers
- District Civil Rights Managers
- District Contract Administrators
- Regional Operations Directors
- Residency Administrators
- Area Construction Engineers
- Construction Managers
- Project Inspectors
- Federal Highway Administration
- Office of the Attorney General
- Virginia Department of Minority Business Enterprise
- Virginia Transportation Construction Alliance
- Old Dominion Highway Contractors Association
- Virginia Asphalt Association
- American Concrete Pavement Association
- Virginia Ready-Mixed Concrete Association
- Virginia Tech. Dept. of Civil Engineers
- Precast Concrete Association of Virginia
- Division

**COMMONWEALTH OF VIRGINIA**  
**DEPARTMENT OF TRANSPORTATION**  
**DBE AND SWAM PAYMENT COMPLIANCE REPORT**

Page(s) \_\_\_\_\_ Of \_\_\_\_\_

(1a) Report No. \_\_\_\_\_

(1b) Period Ending \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(2a) Federally Funded   
 (2b) State Funded   
 (2c) Order No. \_\_\_\_\_ (2d) Date of Execution \_\_\_\_\_  
 (2e) Contractor/Subcontractor \_\_\_\_\_  
 (2f) Route No. \_\_\_\_\_ (2g) Project No. \_\_\_\_\_ (2h) Contract Id. No. \_\_\_\_\_  
 (2i) FHWA No \_\_\_\_\_ (2j) District \_\_\_\_\_

(3) DBE and SWAM Firm Name, Certification No.	(4) Tax I.D. No.	(5) DBE and SWAM Category	(6) Allowable Credit of Contract or Agreement	(7) Allowable Credit		(8) Disallowed Credit (VDOT Use Only)		(9) Type of Work (Indicate Item Numbers & Work Description)
				(7a) This Quarter	(7b) To Date	(8a) This Quarter	(8b) To Date	
		DBE/MBE						
		DBE/MBE						
		DBE/MBE						
		DBE/MBE						
		DBE./WBE						
		DBE/MBE						
Total Dollar Amount Paid by Quarter and To Date by DBE and SWAM Category			DMBE					
			DWBE					
			SBE					
			WBE					
			MBE					

**All "amounts paid" to certified DBE and SWAM firms are to be reported and submitted by VDOT's quarterly submittal schedule. See Instructions.**

I/WE certify under penalty of law that the information provided herein is accurate, current, and complete to the best of my/our Knowledge.

Signature and Title of Company Official \_\_\_\_\_ Date \_\_\_\_\_  
 Print Name and Phone Number of Individual Completing Report \_\_\_\_\_

**VIRGINIA DEPARTMENT OF TRANSPORTATION  
INSTRUCTIONS FOR  
DBE/SWAM PAYMENT COMPLIANCE REPORT – C63**

The Prime Contractor is required to submit a DBE Payment Compliance Report and requested to submit payments made to Small, Women-owned, and Minority-owned (SWAM) Business Enterprises for the designated quarterly reporting period. All amounts paid to **certified** DBE and SWAM businesses are subject to monitoring and enforcement mechanisms. It is the responsibility of the prime contractor to provide evidence of DBE and SWAM payments in response to monitoring and enforcement compliance reviews.

The instructions below correspond to each item on the report. Please follow the instructions.

- 1a. **Report No.**  
Indicate the number of the report you are sending in sequence. For example: If this is the second report you are submitting, enter Report No. 2.
- 1b. **Period Ending**  
Indicate the reporting period based on the Reporting Schedule listed in these instructions.
- 2a. **Federally Funded**  
Indicate if contract is federally funded.
- 2b. **State Funded**  
Indicate if contract is state funded.
- 2c. **Order No.**  
Enter the "Call Order" number assigned to your project by VDOT
- 2d. **Date of Execution**  
Enter the date the contract was executed by VDOT.
- 2e. **Contractor/Subcontractor**  
Enter your company's name.
- 2f. **Route No.**  
Enter the highway route number shown in your contract.
- 2g. **Project No.**  
Enter the project number assigned to your project by VDOT.
- 2h. **Contract Id. No.**  
Enter the contract identification number assigned to your project by VDOT.
- 2i. **FHWA No.**  
Enter the FHWA number assigned to your project.
- 2j. **District**  
Enter the District where the project under contract is located.
3. **DBE and SWAM Firm Name, Certification No.**  
Enter all DBE/SWAM subcontractors utilized and their certification number.

4. **Tax I.D. No.**  
Indicate the Federal Employer Identification No.
  
5. **DBE and SWAM Category (As certified by the Virginia Department of Minority Business Enterprise)**  
Designate type of DBE/SWAM business:  
 DBE: DBE/MBE – Disadvantaged Minority-owned Business Enterprise  
       DBE/WBE – Disadvantaged Woman-owned Business Enterprise  
  
 SWAM: SBE – Small Business  
       MBE – Minority-Owned Business Enterprise  
       WBE – Woman-Owned Business Enterprise
  
6. **Allowable Credit of Contract or Agreement**  
Dollar value of contract or agreement to be performed by the DBE and SWAM during the contract or agreement which is allowable for participation credit.
  
- 7a. **Allowable Credit This Quarter**  
Dollar amount that can be credited for work performed in reporting quarter.
  
- 7b. **Allowable Credit To Date**  
Dollar amount that can be credited for work performed since work commenced.
  
- 8a. **Disallowed Credit This Quarter**  
Dollar amount of payment paid to DBE and SWAM that is NOT allowable for participation credit in reporting quarter.
  
- 8b. **Disallowed Credit To Date**  
Dollar amount of payment that is NOT allowable for participation credit since work commenced.
  
9. **Type of Work (Indicate Item Numbers)**  
State work item(s) performed and give description.

Effective July 1, 2007, All Form C-63s for a particular reporting period shall be submitted in an electronic format to the respective person in responsible charge in each District by the following dates of each calendar year.

#### REPORTING SCHEDULE

Quarter	Reporting Period	Date Due To Responsible VDOT Residency
1st	July 1 – September 30	Five (5) working days after the reporting period
2nd	October 1 – December 31	Five (5) working days after the reporting period
3rd	January 1 – March 31	Five (5) working days after the reporting period
4th	April 1 – June 30	Five (5) working days after the reporting period

If the submittal date falls on a weekend/holiday, the forms shall be submitted to the VDOT Responsible Charge District Office on the following business day.

#### INSTRUCTIONS FOR SAVING FORM C-63 DATA IN PDF FORMAT

Please be advised that the information that you have placed on the Form C-63 (PDF format) will not save to the file when you close the file. **To save your information while using the PDF format, you must use the correct procedures outlined below.**

\*\* The following steps will describe the correct procedure for saving the data that you have placed on the PDF version of the Form C-63:

- Step #1**        CLICK ON **“File”**
- Step #2**        CLICK ON **“Save A Copy”**
- Step #3**        CLICK ON **“Save A Blank Copy”**
- Step #4**        ENTER your **“Firm Name”** as the File Name
- Step #5**        ENTER the **“Order Number”** (see line 2c on Form C-63)
- Step #6**        ENTER **Underscore ( \_ )**
- Step #7**        ENTER **“Report Number”** (see line 1a on Form C-63)
- Step #8**        ENTER **“Quarter Ending”** (see line 1b on Form C-63)
- Step #9**        ENTER the **“Year”** (last two digits only)
- Step #10**      ENTER **“.pdf”** as the appropriate file ending

**EXAMPLE:**

Firm Name:	Vdot Construction Co.
Order No.:	A01
Report No.:	5
Quarter Ending:	1st Quarter (Jul.1 – Sept. 30)
Year:	07

Using the information in the example, your file would be saved as:  
**vdotA01\_050107.pdf**