April 24, 2018

CONSTRUCTION MEMORANDUM
18-02

TO: District Deputy Commissioners
District Construction Directors
District Technical Services Directors
District Area Engineers
District Project Management Director
Project Management Director
District Traffic Engineers
District Testing Engineers
District LPA Coordinators
Project Engineers/Supervisors
Field Engineers
Office of Material Management

FROM: John Leckie, Director
Division of Construction Management and District Support

SUBJECT: Revised DBE Change in Utilization Process and Resources

The Department’s Economic Opportunity Division (EOD) has revised the DBE Change in Utilization process in order to provide quicker processing of changes. The revised process includes many features including a new business email address specifically for processing changes in utilization: dbechange@indot.in.gov. Another part of the new process is the attached and updated flow chart. Finally, a revised Change in DBE Utilization Notification form has been developed and is available at: http://www.in.gov/indot/files/Change%20In%20DBE%20Utilization%20Form.pdf.

The new process is initiated by the prime contractor. They shall complete and sign their portion of the Change in DBE Utilization Notification form as soon as the change becomes known, regardless of the source of the change. The prime then sends the form to the DBE for sign off. Courtesy copies shall be sent to the District EEO Officer, the PE/PS, and to the EOD via their new email address. The DBE will indicate their agreement with, or objection to the reasons stated by the prime. Objections from the DBE will be evaluated by the EOD for validity. If there are valid reasons for the DBE objection, EOD will issue a letter denying the change. If there are no objections or if DBE objections are determined to be invalid, the prime contractor sends the completed form to the District EEO Officer who then verifies the reason with the PE/PS and EOD. EOD will then disseminate confirmation of the change in utilization and the request for good faith effort (GFE).

Questions concerning this process should be directed to your Construction Management Field Engineer.

ATTACHMENT: Processing a Change in Utilization Request Flow Chart
DBE Utilization Notification form

JL/kap
Processing a Change In Utilization Request
*Updated 3/27/2018*

Prime Initiates Change Form As Soon As the Change Is Known Regardless of Whether It Comes From INDOT or other source

Prime Sends To Local EEO and Objection Evaluated by INDOT

Letter Issued Denying Change In Utilization

To DBE for Sign Off or Objection (5 Days By Law, Can Be Sooner)

Prime Sends To Local EEO who verifies reason for Change with PE/PS and dbexchange@indot.in.gov. EOD staff sends out confirmation of change and request for GFE to reach Contract goal.
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

www.in.gov/dot/
An Equal Opportunity Employer