

## Disadvantaged Business Enterprise Commercially Useful Function Complainant

Please read the information below regarding the requirements for providing information, protection from reprisal and confidentiality.

In accordance with 49 CFR § 26.109, all participants in the Disadvantaged Business Enterprise (DBE) program (including, but not limited to, recipients, DBE firms and applicants for DBE certification, complainants and appellants, and contractors using DBE firms to meet contract goals) are required to cooperate fully and promptly with Michigan Department of Transportation (MDOT) compliance reviews, certification reviews, investigations and other requests for information. Failure of a complainant to cooperate fully and promptly with MDOT's request for information may be a ground for dismissal of the complaint.

Persons reporting violations of the DBE program are protected from reprisal under Michigan Public Act 469 for public and private sector employees and Civil Service Rule 2-10 for classified employees of the State of Michigan.

MDOT will keep the identity of complainants confidential if the complainant requests that it do so. If such confidentiality will hinder the investigation, proceeding or hearing, or result in a denial of appropriate administrative due process to other parties, the result may be closure of the investigation or dismissal of any required proceeding or hearing as provided under 49 CFR § 26.109.

May we identify you as the complainant or provider of information (only as necessary) in order to proceed with the investigation and any resulting hearings or other proceedings?

Yes       No, I want MDOT to keep my identity confidential

Please provide your name: \_\_\_\_\_

Day-time telephone number: (    ) \_\_\_\_\_

Address: \_\_\_\_\_

Write the name of DBE in question on the line below:

\_\_\_\_\_

Write the name of prime contractor on the project in question on the line below:

\_\_\_\_\_

Write the name of any other contractors involved in the questionable activities you are reporting on the line below:

\_\_\_\_\_

Write the MDOT contract identification number of the project in question below (if known):

\_\_\_\_\_

Write the city or town where project is located below:

\_\_\_\_\_

Write the name and/or number of the highway or road where the project in question is located on the line below:

\_\_\_\_\_

## Disadvantaged Business Enterprise Commercially Useful Function Complainant

The DBE regulations (49 CFR § 26.55) specify the following regarding what commercially useful function (CUF) means:

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. To perform a commercially useful function, the DBE must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material, and installing (where applicable) and paying for the material itself. A DBE does not perform a commercially useful function if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of DBE participation.

Please describe the questionable situation you observed in the space provided below. Refer to the explanation of commercially useful function, (CUF), under 49 CFR § 26.55 above. Give as much detail as you can. Attach additional pages as necessary:

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If you can provide any documentation supporting the questionable activities you are reporting, please attach to this form.

If you can think of others who could supply additional information about this, please list them below along with any known telephone numbers where they can be reached:

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Thank you for the information you are providing. It is helping us to ensure that we are in proper compliance with the DBE regulations. Please mail or fax this form **within ten calendar days to:**

Frank Adams, Metro Field Services Supervisor  
MDOT, Office of Business Development  
25900 Greenfield, Suite 245  
Oak Park, Michigan 48237  
Phone: (248) 967-0570, extension 212  
Fax: (248) 967-0598

You will be notified of the results of our investigation once it is completed.