

STATE OF NEBRASKA  
DEPARTMENT OF ROADS  
ADDENDUM NO. 1  
PROJECT NO. IM-BH-80-1(178)  
CONTROL NO. 51451  
CALL NO. 500  
I-80, POTTER - BROWNSON  
LETTING DATE: OCTOBER 4, 2012

In the Special Provisions, the provision titled **DBE GOAL CREDIT (A-9-0512)** is void and superseded by the following:

**DBE GOAL CREDIT  
(A-9-1012)**

It is the intent of the NDOR to assure eligible DBE firms have a "level playing field" and equal opportunity to participate in federal-aid contracts, and maintain the integrity of the DBE Program. DBE participation is counted toward goals as follows:

When a DBE firm participates in a contract, only the value of the work actually performed by the DBE firm counts toward the goal.

- A. The entire amount of that portion of a construction contract that is performed by the DBE firm's own forces is counted toward the goal. This includes the cost of supplies and materials obtained by the DBE firm for the work of the contract, including supplies purchased or equipment leased by the DBE, but not supplies or equipment the DBE purchases or leases from the Prime Contractor or its affiliate.

Example: A DBE firm furnishing and erecting steel or concrete superstructure members, furnishing and driving piling for bridge structures, furnishing and placing prestressed concrete deck panels, and furnishing and placing panels for retained earth walls will be considered a Commercially Useful Function for attaining contract goals for Disadvantaged Business Enterprise (DBE) participation unless the supplies or materials are purchased from the Prime Contractor or its affiliate.

When a DBE subcontractor is responsible for substantially constructing a complete structure the total value of the subcontract may be credited to the DBE goal.

Paragraph 8.a. (5) of Subsection 109.07 in the 2007 Edition of the Standard Specifications is void and superseded by the following:

When applicable a DR Form 441, "Identification of DBE Goal Achievement".

- B. Manufacturers, Suppliers, and Haulers:

DBE Manufacturers may be given 100% credit towards the DBE goal for products they produce for the contract.

DBE Suppliers may be given 60% credit towards the DBE goal for products they furnish for the contract.

DBE Haulers may be given 100% credit towards a DBE goal for the delivery fees charged.

A DBE firm certified as both a supplier and hauler may be given 60% credit for supplying a given product and 100% credit for hauling that same product.

See the DBE Goal Credit Table for a guide to DBE credit.

C. Supplier, Supplier/Hauler Required Documentation:

When a DBE Supplier is used to meet a DBE goal on a project, the Prime Contractor must provide a signed subcontract agreement identifying specifically the material and the quantities the DBE firm will be supplying, and the amount the DBE firm will be paid for the material.

When a DBE Supplier/Hauler is used to meet a DBE goal on a project by both supplying and hauling material directly to a project for use by the Prime Contractor, the subcontract agreement must identify the material and the quantities the DBE firm will be supplying and hauling, and the separate amounts to be paid to the DBE firm for the material and the hauling.

If a Prime Contractor has its own plant for manufacturing the concrete or asphalt to be used on the project, the DBE firm may be used to supply and haul material to the plant so long as the material is actually incorporated in the project.

In the situations above, the DBE firm must be paid directly by the Prime Contractor.

**NOTE:** If a Prime Contractor is purchasing concrete or asphalt for the project from a commercial plant, the DBE firm is not allowed to haul material to the commercial plant for DBE goal credit.

**Subcontractor:**

A DBE Supplier/Hauler may be used to meet a DBE goal on a project by supplying and/or hauling material to a Subcontractor; however, in order for this to be approved the following requirements must be met:

The Subcontractor must be a first-tier subcontractor on the project.

The material supplied and hauled by the DBE firm to the Subcontractor shall be incorporated in the project by the Subcontractor.

**Example:** The Prime Contractor is using the Subcontractor to do the paving on the project. The DBE Supplier/Hauler may supply and/or haul aggregate to a plant owned by the Subcontractor provided the plant is set up specifically for the project and the aggregate is only used in the concrete or asphalt for the project.

**NOTE:** If the Subcontractor is doing the paving on the project and is purchasing the concrete or asphalt from a commercial plant, the DBE firm is not allowed to haul material to the commercial plant for DBE goal credit.

**Documentation Required:**

When a DBE Supplier/Hauler is to be used to meet a DBE goal on a project by supplying and/or hauling material to a Subcontractor, specific documentation must be provided by the Prime Contractor.

1. The Prime Contractor's original DBE Commitment information submitted with their bid must identify the material and quantities the DBE firm will be supplying/hauling to the Subcontractor.
2. DBE Commitment Confirmation must be signed by the Prime Contractor, the Subcontractor and the DBE firm.
3. A signed agreement (which may include a purchase order) between the Prime Contractor, the Subcontractor, and the DBE firm identifying specifically how the DBE firm is going to be used to meet the project DBE goal and how payment is to be made to the DBE firm.

**NOTE:** Load tickets must be maintained and be available for review by the Department to verify the type and amount of material supplied/hailed by the DBE and the dates of delivery.

DEPARTMENT OF ROADS

***Original Signed by Claude Oie***

Claude Oie  
Construction Engineer

Issued: September 12, 2012

CO:500AD110

**NOTICE:** Only the contractors issued bidding proposals receive this addendum and responsibility for notifying any potential subcontractors or suppliers remains with the contractor.