

**DISADVANTAGED BUSINESS ENTERPRISE (DBE)
SUPPLIER PARTICIPATION AFFIDAVIT****— TO BE COMPLETED BY THE PRIME CONTRACTOR —**

By signing this document, the successful bidder/prime affirms it has reviewed the DBE requirements under 49 CFR 26.55 found in the project proposal. The signature is also assurance from the successful bidder/prime that it believes the arrangements with the DBE(s) designated on this form and the corresponding DBE Participation Form(s) (MDOT Form 2653) are in compliance with the DBE regulations.

Please contact the Office of Business Development (OBD) via e-mail (MDOT-DBE@Michigan.gov) or by phone 1-866-DBE-1264, if you need additional information or have questions regarding the completion of this form or submittal of this information. Return completed form to: Contract Services Division for approval along with the DBE Participation Form(s) (MDOT Form 2653).

*** NOTE: SUPPLIERS MUST INCLUDE PAGE 3 OF THIS APPLICATION**

CONTRACT ID	PRIME CONTRACTOR
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* DBE SUPPLY CREDIT TO BE COUNTED AS (*check one*): (Must Include cost of delivery for Manufacturers and Regular Dealers)

- ☐ BROKER (Count 100% of Broker fees/commissions) ☐ Manufacturer (Count 100% of the value of goods supplied)
☐ REGULAR DEALER (Count 60% of the value of goods supplied) OR ☐ REGULAR DEALER/BULK ITEM
☐ DISTRIBUTOR (Count 40% of the value of goods supplied)

Name all suppliers DBE Supplier will be purchasing items from for this project (if applicable):

Method of Delivery to project site (if applicable):

Anticipated Date(s) of Transaction:

COMPLETE THIS SECTION FOR LIQUID ASPHALT SUPPLY ONLY

1. Has the DBE liquid asphalt supplier been pre-approved by MDOT? ☐ No ☐ Yes

2. Has your company already purchased any of the liquid asphalt cement for this project (as winter fill) from your designated DBE liquid asphalt supplier? ☐ No ☐ Yes, if yes, provide the following information

AMOUNT/QUANTITY OF WINTER FILL SUPPLIED BY DBE TO DATE	DATE(S) OF TRANSACTION(S)	PRICE FOR THE QUANTITY OF WINTER FILL SUPPLIED BY DBE TO DATE \$ x 60% = \$
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3. How much liquid asphalt remains to be purchased from the DBE for this project? Tons

a. How much of this amount will be claimed for DBE credit?

tons at \$ per ton** = \$, x 60% = \$

b. How much of this amount will NOT be claimed for DBE credit?

tons at \$ per ton** = \$, x 60% = \$

**** NOTE: Price-per-ton MUST include the delivery charge.**

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As the successful bidder/prime (including our affiliates and subsidiaries), we attest to the following:

- We did not/will not negotiate with the DBE's suppliers/sources for the material supplied/being supplied by the DBE(s) on this project/contract.
- We did not/will not act as guarantor for the purchase of materials on behalf of the DBE supplier(s) on this project/contract.
- No sales of materials between the successful bidder and its affiliates or subsidiaries are included in the proposed DBE participation on this project specified in MDOT Form 2653.
- We will not lease any equipment to the DBE supplier(s) on this project/contract.
- The DBE(s) did not and will not use any of the successful bidder's equipment or the successful bidder's affiliates' or subsidiaries' equipment on this project/contract, unless an arrangement for specialized equipment has been approved by MDOT, in accordance with MDOT's Bureau of Highways Instructional Memorandum 2013-12.
- All payments to the DBE's suppliers/sources for this project/contract are made by the DBE(s) from the DBE's own independent bank accounts - not from an account of the successful bidder or its affiliates or subsidiaries.
- No payments to the DBE's suppliers/sources on this project/contract are made via any joint account held by the successful bidder (or any of its affiliates or subsidiaries) and the DBE(s).
- Prior to any joint check arrangement with the DBE supplier (for payment to the DBE's supplier/source), we will submit MDOT Form 0183 for MDOT approval.
- We will submit a purchase order to the DBE(s), for submission to MDOT.

False statements on this form or fraudulent documentation provided could result in sanctions by federal authorities and/or MDOT.

PRIME CONTRACTOR AUTHORIZED SIGNATURE 	DATE
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FOR MDOT INTERNAL USE ONLY	
MDOT REVIEWER APPROVAL SIGNATURE 	DATE

DBE REGULAR DEALER/DISTRIBUTOR AFFIRMATION FORM

BIDDER NAME

CONTRACT NUMBER

Sections 26.53(c)(1) of Title 49 Code of Federal Regulations requires recipients to make a preliminary counting determination for each DBE listed as a regular dealer or distributor to assess its eligibility for 60 or 40 percent credit, respectively, of the cost of materials and supplies based on its demonstrated capacity and intent to perform as a regular dealer or distributor, as defined in section 26.55(e)(2)(iv) (A), (B), (C), and (3) under the contract at issue. The regulation requires the recipient's preliminary determination to be made based on the DBE's written responses to relevant questions and its affirmation that its subsequent performance of a commercially useful function will be consistent with the preliminary counting of such participation.

DBE NAME	TOTAL SUBCONTRACT/PURCHASE ORDER AMOUNT
AUTHORIZED DBE REPRESENTATIVE (Name and Title)	DBE WORK CLASSIFICATION(S) RELATED TO THE ITEMS TO BE SOLD/LEASED

1. Will **all** items sold or leased be provided from the on-hand inventory at your establishment? ☐ YES ☐ NO

(If "YES," you have indicated that your performance will satisfy the regular dealer requirements and may be counted at 60%. STOP here. Read and sign the affirmation below. If "NO" Continue.)

a) Are you selling bulk items (e.g., petroleum products, steel, concrete, concrete products, sand, gravel, asphalt, etc.) or items not typically stocked due to their unique characteristics (aka specialty items)?

☐ YES ☐ NO **(If "YES," Go to Question 2. If "NO" Continue.)**

b) Will at least 51% of the items you are selling be provided from the inventory maintained at your establishment, and will the minor quantities of items delivered from and by other sources be of the general character as those provided from your inventory?

☐ YES ☐ NO* **(If "YES," you have indicated that your performance will satisfy the regular dealer requirements and may be counted at 60%. STOP here. Read and sign the affirmation below.)**

*** If 1., 1. a), and 1. b) above are "NO," your performance on the whole will not satisfy the regular dealer requirements; therefore, only the value of items to be sold or leased from inventory can be counted at 60%. (Go to Question 3. To determine if the items delivered from and by other sources are eligible for Distributor credit.)**

2. Will you deliver all bulk or specialty items using distribution equipment you own (or under a long-term lease) and operate?

☐ YES ☐ NO¹

(If "YES," you have indicated that your performance will satisfy the requirements for a regular dealer of bulk items and may be counted at 60%. STOP here. Read and sign the affirmation below.)

¹ If "NO," your performance will not satisfy the requirements for a regular dealer of bulk items; the value of items to be sold or leased cannot be counted at 60%. (Go to Question 3.)

3. Will the written terms of your purchase order or bill of lading from a third-party transfer responsibility, including risk for loss or damage, to your company at the point of origin (e.g. a manufacture's facility)? ☐ YES² ☐ NO³

a) Will you be using sources **other than** the manufacturer (or other seller) to deliver or arrange delivery of the items sold or leased?

☐ YES² ☐ NO³

² If your responses to 3 and 3.a) are "YES," you have indicated that your performance will satisfy the requirements of a distributor; therefore, the value of items sold or leased may be counted at 40%.

³ If you responded "NO" to either 3 or 3.a), counting of your participation is limited to the reasonable cost of fees or commissions charged, including transportation charges for the delivery of materials or supplies; the cost of materials or supplies may not be counted.

I affirm that the information that I provided above is true and correct and that my company's subsequent performance of a commercially useful function will be consistent with the above responses. I further affirm that my company will independently negotiate price, order specified quantities, and pay for the items listed in the bidder's commitment. This includes my company's responsibility for the quality of such items in terms of necessary repairs, exchanges, or processing of any warranty claims for damaged or defective materials.

PRINTED NAME	SIGNATURE OF DBE OWNER/AUTHORIZED REPRESENTATIVE SIGN	DATE
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The bidder acknowledges its responsibility for verifying the information provided by the **DBE** named above and ensuring that the counting of the **DBE's** participation is accurate. Any shortfall caused by errors in counting are the responsibility of the bidder.

PRINTED NAME	SIGNATURE OF BIDDER'S AUTHORIZED REPRESENTATIVE SIGN	DATE
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