

Guide Document for Request to Modify Disadvantaged Business Enterprises
Pre-Award Commitment (CRD15-1)

The CRD15-1 form has been adopted by the CTDOT to facilitate the Prime Contractor's request to revise a Pre-Award Commitment (PAC) in accordance with [49 CFR 26.53](#) (CFR) and CTDOT specifications

Initial Steps:

Step 1: Allowable PAC revisions are defined and listed in [49 CFR 26.53 \(f\)\(3\)](#) and in the drop down list found on the CRD15-1 form. The Prime Contractor should review and be familiar with the project specifications and the regulations. If there are any questions, the Prime Contractor should contact [CTDOT's Subletting Team](#).

Step 2: The Contract and CFR require a 5-day constructive notice be provided to the PAC DBE Subcontractor. All communications must be documented in writing.

- a. The Prime Contractor must notify the effected PAC DBE in writing of the items and amount of, and the reason for the proposed PAC modification. The letter must also advise the DBE Subcontractor that five days are provided for the DBE Subcontractor to respond in writing agreeing with the modification or to appeal to the contractor and CTDOT. Letter of constructive notice from the Prime Contractor to the DBE Subcontractor affords the DBE Subcontractor the opportunity to advise the CTDOT Division of Construction Operations (DCO) and the Contractor of any reasons why it objects to the reduction or termination of its subcontract and why the DCO should not approve the Contractor's action or that the DBE Subcontractor agrees with the modification.
- b. The Prime Contractor should obtain a written response to the letter of constructive notice from the DBE Subcontractor. This is required except in the case that five (5) day period has expired, and the DBE subcontractor does not reply. In that case the Prime Contractor should clearly explain the series of events and attach correspondences documenting their request for response.

After the 5-day period expires, the Prime Contractor must submit a request to modify the PAC for CTDOT approval using the DBE CRD15-1 form completed as detailed below:

Section 1: General

In the space provided enter:

1. Project Number
2. Prime Contractor name
3. Prime Contractor's Contact Person name - The contact person is the person that is designated in case of follow-up questions from CTDOT.
4. Prime Contractor's Contact Person Email
5. Prime Contractor's Contact Person Phone Number
6. The Advertised Project DBE Goal percentage - This is stated in the DBE specification, given at the time of award.

Section 2: Modifications

In the space provided:

1. Enter ***PAC DBE Subcontractor*** Name.
2. Select the most appropriate ***Reason for Modification*** from the dropdown menu.
 - a. The note, "*(attach supporting documentation when available)*" is intended to indicate that supporting documentation of the reason for the modification such as, copies of CTDOT Change Orders, or letters or emails related to performing work and/or the subcontractor letters or emails refusing work, or other written correspondence based on the reason selected. The Contractor should document all communications in writing.
3. Select the appropriate answer for "Has the DBE Subcontractor been given a 5-day constructive notice?"

- a. The answer for this question should not be no. If there are extenuating circumstances that the Contractor believes prevents the 5 day notice as instructed above they should contact the [CTDOT's Subcontracting Section](#) to discuss, prior to submitting the form.
4. Select the appropriate answer for "Has the DBE Subcontractor responded to the 5-day constructive notice?"
 - a. Attachments: Both the written notice from the Prime Contractor (5-day constructive notice) to the PAC DBE and the PAC DBE's written response/concurrence/release must be attached or included with the CRD15-1 submittal. These written notices can be letters, e-mails, or meeting minutes signed by both parties. See Initial Steps #2 above for additional information and what to do if the subcontractor does not respond after the 5-day period.
 - b. If the 5-day notice was not responded to by the subcontractor, a written explanation should be provided in the "If No, explain" space provided on the form. If there is not enough space for the explanation or related correspondence in the "If No, explain" space on the form, the contractor should enter, "Explanation attached." in the space on the form and attach an explanation and related correspondence.
5. Enter the **DBE Subcontractor Pre-Award Commitment** dollar value from CTDOT approved Pre-Award DBE Commitment Request Form for the subject subcontractor.
6. Enter the **Current DBE Subcontractor Commitment** dollar value. This is the remaining commitment prior to the current requested modification after any previously approved PAC modifications are applied to the approved PAC for the subject subcontractor. *Note: If there were no prior approved PAC modifications, the Current DBE Subcontractor Commitment dollar value will be equal to the DBE Subcontractor Pre-Award Commitment dollar value.*
7. On Page 2 enter the **Item Number (#)**, negative or positive dollar **Adjustment Value (\$)** of the proposed adjustment for each item, and applicable remarks if any.
8. Calculate and enter the **Total Modification Value (\$)** at the bottom of Page 2. This is the sum for all positive and negative revised **Adjustment Values (\$)** for the work items indicated above it on Page 2 of the CRD15-1 form.
9. Calculate and enter the **Revised DBE Subcontractor Commitment** dollar value for the subject subcontractor on Page 1 in the space allotted in Section 2. This is calculated by adding the value of the **Current DBE Subcontractor Commitment** (Page 1) for the subject subcontractor to the value of the **Total Modification Value (\$)** (Page 2) for the subject subcontractor. This will represent the Revised DBE Subcontractor Commitment for the subject subcontractor if the current modification is approved by Division of Construction Operations (DCO) and Office of Equity (OOE).

Section 3: Good Faith Effort (GFE)

To document the Good Faith Effort (GFE), complete all parts of this section.

1. Calculate and enter the **Revised Estimated DBE Percentage** value you estimate will be achieved. This is the sum of all PAC DBE Subcontractors plus the total value of all previous GFE work (meeting the requirements for Commercial Useful Function (CUF)) added to meet the goal (prior to this request), plus the value of all previously approved PACMODs (positive or negative) and this PACMOD (positive or negative, assuming it will be approved), divide by the Project's revised contract value, not the original contract value. The contractor is responsible to verify that the GFE Subcontractors are certified as DBEs for the work to be performed, and they will perform a CUF.
2. **Does this change impact your ability to satisfy the project DBE goal?** To answer the question, compare the **Revised Estimated DBE Percentage** value (Section 3) to the **Advertised DBE Goal** percentage (Section 1).
 - a. Select **No**, from the dropdown menu, if you will meet or exceed the project DBE Goal percentage and you do not wish to state GFEs.
 - b. Select **Yes**, from the dropdown menu, **and** complete the **GFE Section**, if you will not meet the project DBE Goal percentage.
 - i. If **Yes** is selected fill in the GFE and GFE additional information sections
 1. Select the most appropriate reason from the dropdown menu, and provide additional explanation, as applicable
 - a. If additional DBE subcontractor work is being proposed as a GFE. Enter the DBE Subcontractor being proposed with the work to be added as a GFE. State the Subcontractor's name, dollar value, and description of work assigned for the GFE on

Page 3. Note: The Prime Contractor must verify the DBE Subcontractor is certified and complies with the CUF requirements for work to be counted for credit. The Contractor should contact the CTDOT (DCO) if there are questions related to GFEs.

- b. If ***did not meet the goal, but documented GFE*** is selected, include any documentation of efforts made to obtain DBE subcontractors (contact CTDOT (DCO) for guidance), such as, additional subcontracting opportunities offered to DBE's to increase the likelihood of achieving the goal, efforts made to contact and solicit bids from DBEs, submitted subcontract proposals to DBE's which the Contractor considered unacceptable stating the reason(s) for this conclusion. (Refer to DBE Special Provisions)
- c. If ***Other*** is selected, in addition to filling in the explanation of GFE, the Prime Contractor should reach out to the CTDOT (DCO) to ensure adequate GFEs are pursued and documented. The contractor should not delay the submission of a CRD15-1 form if waiting for communication with the CTDOT (DCO) regarding additional GFE opportunities.

Section 4: Release of Work

Reminder: The Prime Contractor is required to provide a 5-day constructive notice to the PAC DBE Subcontractor in writing. See initial steps for detailed instructions before submitting a request.

1. **Prime Contractor Authorized Signature:** The Prime Contractor's authorized representative must sign the CRD15-1 form in the space identified as Prime Contractor Authorized Signature, print their name, title, and the date, and send to the DBE Subcontractor for concurrence.
2. **DBE Subcontractor Authorized Signature:** If in agreement, the DBE Subcontractor must sign the CRD15-1 form in the space identified as DBE Subcontractor Authorized Signature, print their name, title, and the date, and send back to the Prime Contractor prior to the 5-day constructive notice expires.
3. The Prime Contractor must request approval of the CRD15- 1 form by CTDOT by submitting one pdf document thru COMPASS in accordance with the Contractor's User Manual and the instructions below:
 - a. The file naming convention for the CRD15-1 is: Project Number Submittal Description Abbreviated Subcontractor Name, as show below using a maximum of 50 characters counting spaces:

0000-0000 PACMOD ABC Paving

- b. The submittal type to be used in COMPASS is ***PAC Modifications***
- c. The submittal naming convention is: Submittal Description Abbreviated Subcontractor Name as shown below using a maximum of 50 characters counting spaces:

PACMOD ABC Paving

- d. If the CRD15-1 submittal is returned to the Contractor to revise and resubmit, the Contractor must follow the instruction in the [COMPASS Contractor's User Manual](#).
 - i. Section 2.5.2 Revise and Resubmit
 - ii. Section 2.5.3 Revising and Replacing a File

The following is provided as a reminder:

- a. The CRD15-1 should be the cover of the submittal, all other documents and attached explanations should be attached to the CRD15-1
- b. The following backup documentation is required, as noted, to accompany the CRD15-1:
 - iii. Documentation of the reason for the modification (see section 2 instructions for additional information)
 - iv. Letter of constructive notice from the Prime Contractor to the DBE Subcontractor (see the initial steps instructions for more information.)

- iii. Response to the letter of constructive notice from the DBE Subcontractor to the Prime Contractor
(see the initial steps instructions for more information.)

Section 5: CTDOT Concurrence and Comments

1. This Section will be completed by the DCO
 - a. If approved, a notification will be sent through COMPASS
 - b. If not approved, the CRD15-1 will be returned to the Prime Contractor with comments through COMPASS