

## GUIDANCE ON COMPLETING THE ONGOING PAYMENTS PORTION OF THE UNIFORM REPORT OF DBE COMMITMENTS/AWARDS AND PAYMENTS

- Section C of the Uniform Report is designed to capture information on current actual payments made to DBEs for work performed on ongoing federally-assisted contracts.
- This payment data provides a “snapshot” of dollars actually paid to DBEs as compared to dollars committed or awarded to DBEs but not yet paid during the reporting period.
- In column A, the total numbers of ongoing contracts on which payments were made during the reporting period are the prime contracts.
- Similarly, in column B, the total dollars paid to prime contractors for work performed on prime contracts by both the prime contractor and its subcontractors is to be reported. Payments by recipients for all work performed on the contract are made to the prime contractor, who in turn is obligated to promptly pay its DBE and non-DBE subcontractors. See 49 C.F.R. §26.29.
- In column C, the total number of ongoing contracts performed by DBEs includes both prime contracts and subcontracts. The term contract refers to any legally binding relationship obligating a seller to furnish supplies, material, or services to a buyer who is obligated to pay. It includes, but is not limited to, subcontracts, supplier agreements, and trucking arrangements.
- The inclusion of prime contracts in Column C likely will be the exception and not the rule since most DBE participation is obtained through subcontracts. However, when DBE prime contracts are included in column C, you should in a footnote include the number of DBE prime contracts reported.
- The number of contracts reported in column C may be larger, smaller, or the same as the number in column A. To illustrate the point, assume that only one prime contract is underway during the reporting period. If the prime contractor is a non-DBE with 3 DBE subcontractors, the number reported in column C (3) will be higher than column A (1). By contrast, if a non-DBE prime contract reported in column A has no DBE subcontractors, the number reported in column C (0) will be less than column A (1). If the prime contract involves a DBE prime contractor with no DBE subcontractors, the number in column A (1) and column C (1) would be the same, with appropriate notation that column C includes a DBE prime contract.

- The total dollars paid to prime contractors reported in column B (which covers all work that resulted in payment) is used to derive the percentage payments to DBEs reported in column F based on the actual dollars paid to DBEs reported in column D.
- Column E captures the number of DBE firms paid during the reporting period. If one firm performs work on multiple contracts and is paid for that work during the reporting period, the firm should be counted only once.

The General Counsel of the Department of Transportation has reviewed this document and approved it as consistent with the language and intent of 49 C.F.R. part 26.