

The Disadvantaged Business Enterprise (DBE) Certification Program is a Federal Program designed for business owners deemed "socially and economically disadvantaged." This chapter outlines Project Manager responsibilities in monitoring the DBE Program.

### **Equal Opportunity Compliance (EOC) System**

The [Equal Opportunity Compliance \(EOC\) System](#) is a web-based application which provides an integrated system to assist in managing the DBE program and ensure DBE compliance. This application is used statewide to track DBE Commitments and DBE Payments. Project Managers must submit an Automated Access Request (AARF), selecting the Report User role to gain access to the EOC System. Access the EOC System can be made through the [EOC website](#) or the available link within **Consultant Invoice Transmittal System (CITS)**.

Additional information can be found at:

- [EOC Contractor/Consultant User manual](#)
- [EOC CBT Training](#)
- EOC Helpdesk: [EOOHelp@dot.state.fl.us](mailto:EOOHelp@dot.state.fl.us)

Professional Services PMs should refer to the [Professional Services Project Manager EOC Guide](#).

### **EOC Reporting**

The Consultant is responsible for entering DBE Commitments and DBE Payments into EOC System. The Project Manager is responsible for verifying the accuracy of the Consultant's reporting and timeliness of DBE payments.

### **DBE COMMITMENTS**

Project DBE Commitments must be entered into EOC for every project, even if that DBE commitment is Zero. The project DBE Commitment entry identifies the estimated payment (in dollars) to each certified DBE subconsultant. A certified DBE prime Consultant is required to report into EOC estimated payments for itself.

For Task Assignment type contracts, DBE commitment is determined from the **Professional Services DBE or Small Business Commitment Form, (Form No. 375-030-83)**, submitted by the consultant firm with their Technical Proposal.

### **DBE PAYMENTS**

All professional services contracts include a clause that stipulates the following:

- 1) The consultant will report subconsultant (DBE and non-DBE) payments through the EOC system on the internet.
- 2) Failure to submit subconsultant payment information (or failure to do so in a timely manner) may be cause for rejection of the invoice.
- 3) Within thirty days after receipt of the final payment, the Consultant will report final subconsultant payments through the EOC system.
- 4) The prime Consultant will pay all subconsultants their proportionate share of payments received from the FDOT within thirty days of the Consultant's receipt of payment from the FDOT.

Subconsultant payment data entries into EOC System will always lag 30 days behind current payments in CITS.

### Consultant Compliance Evaluation

The question that should be asked is: “Did the Consultant make a good faith effort to fulfill the original DBE commitment?” Compliance with these commitments is one of the test criteria (“DBE test”) included in the consultant CEI Work Performance Evaluation, as well as in the Consultant Management Evaluation for non-CEI contracts (See **PMG 235 – Consultant Evaluation**).

The Project Manager should discuss DBE subconsultant utilization at least monthly. Good practice is to have the Consultant provide this information in their monthly progress report. The Project Manager should be aware of what point during the contract the DBE subconsultant work is to be performed and consider this when conducting the consultant compliance evaluation.

If the DBE work is scheduled to occur at the end of a non-CEI contract, it would be inappropriate to evaluate the consultant firm on adherence to DBE commitment at the beginning of the contract. In that instance, the DBE test should be skipped (left blank or “N/A”), so that it does not count against the Management Evaluation score.

Other mitigating circumstances where the prime consultant would not reasonably be expected to adhere to the original proposed DBE commitment include:

- 1) DBE subconsultant is unable to perform the necessary services, or is unable to meet the project schedule.
- 2) The FDOT PM makes changes to the scope that eliminate the need for the DBE subconsultant services.

As in all instances of necessary scope change, the Project Manager should document to the contract file, (and to the consultant), the portion of the scope of work deleted, and the reason. The Project Manager can assess Consultant

achievement of DBE commitments by viewing subconsultant payment information in EOC.

### Project Manager Guidance

To assist in verifying the accuracy of the Consultant’s reporting the Project Manager should complete the following:

- **DBE Commitment submission in EOC:** Review the *Contract Commitment Details* report to determine if a Consultant has reported subconsultant DBE Commitment(s) in the EOC System as listed on the **Professional Services DBE or Small Business Commitment Form, [Form No. 375-030-83](#)**.
- **DBE Payment Submission in EOC:** Review the *Contract Sub Payment Details Report* to determine if a Consultant has reported their DBE subconsultant payments in EOC System.
- **Contracts Not Reported in EOC:** Review the *Contracts Not Reported Report* to determine contracts whose Contract Dollar Amount and DBE Credit have not been reported in EOC System.
- **Commitment Payment Comparison:** Review the *Commitment Payment Comparison Report* to determine DBE Commitments and DBE Payments that have been submitted in EOC System for a specific contract.
- **Contract Profile:** Review the *Contract Profile Report* which provides detailed information on DBE Commitments and Payments reported in EOC System for a specific contract.