

## PRECON TALKING POINTS

- **DBE Commitments:** There have been an increase number of price adjustments due to not making DBE commitments.
  - If a Prime or DBE starts having concerns re: meeting DBE commitments contact Jacqui Miskimins immediately at 515-239-1427. **Note:** The CRT cannot retroactively reduce a DBE commitment.
  - Primes should provide a DBE written notification immediately if they need to replace a DBE, and contact the Project Engineer (1102.17 (F)).
  - It takes CRT seven (7) business days to approve a request for substitution of a DBE.
  - A price adjustment is assessed for the amount of commitment not paid to each DBE, unless the DBE commitment reduction was approved prior to final payment.
  - **Penalty:** A price adjustment of an amount equal to the difference between the actual DBE dollars paid and the contractor’s adjusted DBE commitment to that DBE firm (1102.17 (G)).
  
- **Prompt payment:** Any delay or postponement of payment among parties may take place only for good cause, with written notification to the subcontractor, whether a DBE or non-DBE subcontractor (1109.05 (B)).
  - Payment for satisfactory performance must be made no later than 7 days after a Prime receives or could have received payment for the subcontractor, if reason for non-payment is not the subcontractor’s fault.
  - Retained funds due to subcontractors shall be paid by the Prime within 30 days after satisfactory performance on a project.
  - Complaints may be submitted to OES-CRT if initial attempts to resolve the issue between parties (e.g., Prime w/Project Engineer or Subcontractor w/ Prime) do not result in satisfactory payment for completed work. Submit written complaints to OES-CRT using form (650197) on Iowa DOT Civil Rights Title VI complaint resolution processes website.
  - **Penalty:** Failure to comply with Section 1109.05 in the Spec Book could result in a price adjustment credits, or suspension of bidding qualification.
  
- **EEO/AA Board:** is posted in visible and accessible to all employees and potential employees (1102.19 E (5)).
  - Where will the EEO/AA board be located?
  - The EEO/AA posters are online through the Office of Civil Rights website.
  - If the project is in an area where there are non-English speakers the Contractor is strongly encouraged to post “EEO is the Law” posters in those languages. You can find them at U.S. Equal Employment Opportunity Commission [www1.eeoc.gov/employers/poster.cfm](http://www1.eeoc.gov/employers/poster.cfm)
  - Posters remain in place through the completion of the project.
  - **Penalty:** Progress payments will not be made until notice and posters are displayed at the required site.
  
- **Discrimination complaints:** If a complaint can’t be resolved at the contractor level or the complaint is against another contractor you can contact OES-CRT. The External Complaint Procedure is on Iowa DOT Civil Rights Title VI homepage (1102.19 F (5)).
  
- **Commercial Useful Function:** The CUF checklist (Form 517014) must be used for all projects that include a DBE firm as a subcontractor or Prime (with or without a DBE goal).
  
- **Reminder:** Contractors are reminded that on Subcontract Request, Form 830231 (.con files or hardcopy) *Column A* must be completed for every instance when a DBE is used on a federal aid project.