

**Construction Memo No. 6-02**

**MEMO TO:** Chief District Engineer  
TEBM's for Construction  
District Construction Engineers  
Resident Engineers  
Active Consultant Engineers

**FROM:** Dexter Newman, P. E. Director  
Division of Construction

**BY:** Robert C. Lewis, P.E. TEBM  
Division of Construction

**DATE:** June 24, 2002

**SUBJECT:** Disadvantaged Business Enterprise (DBE) Federal Aid Subcontracts

Beginning with March 2002 letting, contractors have been required to submit DBE General participation plans/subcontracts for all Federal Aid (FD52) projects which specify a DBE goal before award. No award will be made for DBE goal projects until an approved DBE General plan has been accepted by the cabinet.

After the General Plan has been approved and project awarded, the prime contractor is required to submit a Detailed DBE plan/subcontracts to the [Division of Contract Procurement](#), utilizing Form TC 63-35DBE, prior to the Work Order project being issued. These plans/subcontracts are to be numbered in sequence, beginning with the number one (example: 1, 2, 3,). A breakdown of work to be subcontracted by Sub-Section Sequence Code (SSSC) is required on all DBE subcontracts with DBE goals. A copy of an estimate showing these codes is provided to the prime contractor on all DBE Federal Aid Goal projects. After these plans/subcontracts have been reviewed and approved by the Office of Minority Affairs, and all other contract documents are in order, the Cabinet will issue a work order. The Division of Construction will distribute approved copies of the Detailed plans/subcontracts.

All other subcontract requests for projects containing DBE goals are sent to the Project Engineer for normal subcontract processing. These subcontracts are to be numbered in sequence beginning with the next number after the last number used for the DBE plans/subcontracts (example: 4, 5, 6...). Form TC 63-35 is to be utilized for all non-DBE subcontractor. Form TC 63-35DBE is to be utilized and submitted to the Project Engineer for normal subcontract processing, when a DBE goal is specified and the DBE subcontractor not

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used in Detailed plan for the DBE goal. A breakdown of work to be subcontracted by Sub-Section Sequence Code (SSSC) is required on all DBE subcontracts with DBE goals. A copy of an estimate showing these codes is provided to the prime contractor on all DBE Federal Aid Goal projects. The Division of Construction will distribute approved copies of these subcontracts.

All other subcontract requests on Non-DBE goal projects (including all state funded projects) are to use TC63-35 and are to be sent to Project Engineer normal subcontract processing.

In reviewing subcontract requests it should be determined if the subcontractor is Pre-Qualified to perform work items listed. The subcontract submittal should include proof of current general liability insurance, a notarized contract agreement between the two businesses, and the proper request form listing items of work. Contractor should note detailed reasons for partial work item or partial quantity.

**Quick Reference Guide:**

**Form required and DBE plan/subcontract path:**

Form TC 63-35DBE ? Contractor ? Division of Contract Procurement? Office of Minority Affairs (**APPROVER**) ? Division of Construction (distributes copies to ) [ District Construction Office, OMA, KAHC, PAIKY, FHWA, etc) District Construction ?Project Engineer

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**Form required and subcontract path when DBE goal is specified and DBE subcontractor is used above that which is required for achieving DBE goal:**

Form TC 63-35DBE ? Contractor ? Project Engineer ? District ConstructionOffice ? Division of Construction (**APPROVER**) (distributes copies to: ) [District Construction Office, Division of Contract Procurement, Office of Minority Affairs, PAIKY, KAHC, FHWA, etc.,] District Construction Office ? Project Engineer

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**Form required and subcontract path for all non-DBE subcontract and all subcontract on projects not having a specified DBE goal:**

Form TC 63-35? Contractor ? Project Engineer ? District ConstructionOffice ? Division of Construction(**APPROVER**) (distributes copies to: ) [District Construction Office, Division of Contract Procurement, Office of Minority Affairs, KAHC, PAIKY, etc.] District Construction Office ? Project Engineer

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**Attachments:**

TC63-35

TC63-35DBE

Forms also available on web at:

<http://www.kytc.state.ky.us/construction/KYTC-forms/>

cc:	J. M. Yowell	Simon Cornett	Anna Patterson
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	Chuck Knowles	KAHC	
	Wesley Glass	FHWA	
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