


TO: SUPERSEDED BY EI 01-022 EFFECTIVE 9/20/01	<h1>ENGINEERING INSTRUCTION</h1> <p>NEW YORK STATE DEPARTMENT OF TRANSPORTATION</p>		
	SUBJECT: Prime Contractor Report of Payment to DBEs Subject Code: 7.30		
Distribution: 30 Main Office 32 Regions Special	Code: <u>EI-92-024</u>		Date: <u>06/26/92</u>
APPROVED:  <hr/> P.T. Wells, Construction Division	Supersedes: EB-87-13		

New York State Department of Transportation has required Prime Contractors to report payments made to Disadvantaged Business Enterprises (DBEs) that are utilized on construction contracts. Prime Contractor Report of Payments to DBEs, Form AAP-21b has been developed to obtain the required information (which replaces the AAP-21a and AAP-21-1). A copy is attached for reference.

The Prime Contractor shall submit to the Engineer-In-Charge (EIC) an AAP-21b for each DBE Subcontractor performing work on the project. The AAP-21b is an attestation of the total payments due the DBE Subcontractor and the total payments made to the DBE Subcontractor. It is required upon completion of all items of work by the DBE Subcontractor. An interim AAP-21b will also be required when requested by the Department.

This form should be submitted as soon as possible after the DBE has completed all of the items of work, but not later than 60 days after the last day of work. The EIC will review the form as to its completeness and file it in the project records. In the event that a Prime Contractor fails to provide the EIC with a properly completed AAP-21b as required, the EIC will request assistance from the Regional Compliance Specialist (RCS) who will determine the reasons for non-submittal. The RCS will notify the Regional Construction Engineer, who will determine if additional steps should be taken to resolve the issue.

This form is required as part of the contract documentation submitted with the final payment package. Final payment packages will not be processed unless a properly executed AAP-21b is included for each DBE participating in the project. This procedure and Form AAP-21b should be utilized immediately for new projects and for all work remaining on projects previously awarded.

NEW YORK STATE DEPARTMENT OF TRANSPORTATION
PRIME CONTRACTOR REPORT OF PAYMENTS TO DBE'S

FINAL REPORT YES ___ NO ___	CONTRACT NUMBER	COUNTY	REPORT DATE ___/___/___
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CONTRACTOR NAME AND ADDRESS	SUBCONTRACTOR NAME AND ADDRESS
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CONTRACTOR FED. IDENT. NO.	SUBCONTRACTOR FED. IDENT. NO.
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TOTAL PAYMENTS DUE: \$ _____
 FINAL RETAINAGE OR OTHER WITHHOLDING: \$ _____
 TOTAL PAYMENTS: \$ _____

STATEMENT OF EXCEPTIONS (See Instructions)

CERTIFICATION AND NOTARIZATION

I certify that the total payments above reflect the value of the work as stated on the original AAP 19, "Schedule of Utilization" or the most recently amended "Schedule of Utilization" and that the work was performed solely by the Subcontractor named above, through employees of the Subcontractor who were under direct supervision of employees of the Subcontractor; that payments have been made by the Contractor and received by the Subcontractor as specified above; that there were no rebates, refunds or offsets applied to any payments unless the same is noted above; and that it is known to me to be true of my own knowledge.

Signed: _____
(For Contractor)

Signed: _____
(For Subcontractor)

Title: _____

Title: _____

Sworn before me this _____

Sworn before me this _____

day of _____, 19 _____

day of _____, 19 _____

Notary Public

Notary Public

If this affidavit is verified by an oath administered by a Notary Public in a foreign country other than Canada, it must be accompanied by a certificate authenticating the authority of the Notary who administered the oath.