

TO:

ENGINEERING BULLETIN

NEW YORK STATE DEPARTMENT OF TRANSPORTATION

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SUBJECT: MONITORING D/WBE PROGRAM PARTICIPATION -
REPORT AAP-21

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N/A

The revised TAAPO Directives require that contractors report payments made to D/WBE subcontractors, suppliers or truckers in the performance of their contract. (See 102-21 Standard Specifications).

D/WBE Program Participation Report, Form AAP-21, has been developed to obtain the required information, and it will be the responsibility of the Regional Construction Groups to monitor a contractor's progress towards meeting the goals contained in the approved Schedule of Participation by D/WBE, Form AAP-19.

Reporting Frequency:

Contractors are responsible for submitting a Form AAP-21 on a monthly basis for each D/WBE which has actively participated on the contract. The required date of submission may coincide with monthly estimate periods or may be requested on a calendar basis. As with payroll records, lag time will be required for the contractor to secure the concurrence of the D/WBE, but it should generally not exceed fourteen days following the monthly close-out date.

Monitoring Requirements:

The Engineer-in-Charge (EIC) is responsible for the receipt and review of Form AAP-21. Forms should be legible and contain all required information. Both the contractor and subcontractor signatures should be notarized. In general, the value of "Previous Cash Payments", plus "Current Unpaid Billing" should equal the value of work performed. To assist in the review process, the following is advised:

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1. Divide Total Payments made on subcontracted items (From last CONR 22)* by Total Value of subcontracted items (From HC 89) to get percent of work completed.
2. Divide "Previous Cash Payments: plus "Current Unpaid Billing" (From AAP-21) by Total Participation value (from AAP-19, or AAP-21) to get the percentage of fulfilled participation.
3. Compare percentage. Follow-up required if variation exceeds 30 percent.

Final Forms:

Upon completion of a D/WBE's participation on the contract, a final report should be submitted which reflects the final value of work, agreed to by both the contractor and D/WBE. These reports should be retained in project files until the submission for final payment. Final reports for all D/WBE's participating on the contract must be included with the final package submitted to the Main Office Construction Division.

Cause For Further Action:

The contractor's failure to submit a properly completed AAP-21 for D/WBE's which participated in the contract during the reporting period, will result in the EIC holding submission of the next payment estimate, and all subsequent estimates, until compliance is attained.

In performing the calculation identified in "Monitoring Requirements", if the variation between Percent of Work Completed and Percent of Fulfilled Participation exceed 30%, the EIC should request an explanation from the contractor, and notify the Regional Compliance Specialist of the action. In the event that a satisfactory answer is not provided, the EIC should turn the matter over to the Regional Compliance Specialist for investigation.

*Adjusted if subcontractor performs less than 100% of the item.