

Georgia Department of Transportation
Prime Contractor
DBE JOINT CHECK AFFIDAVIT

Date: _____

Project: _____ County: _____

I, _____, as the authorized representative of _____ am requesting DBE credit for joint check purchases of materials. Our firm provides joint check agreement assistance to all our subcontractors not just DBEs. The physical subcontract requires the DBE to furnish and install the work item. The DBE firm will be responsible for ordering, scheduling, delivering, and issuing payment for the materials to its supplier. We will provide copies of all cancelled checks (Front and Back) after the joint check transaction within 30 days of the checks issued date to the Department. Electronic transfers will not be allowed. A copy of the invoices from the supplier to the DBE will accompany the cancelled check. The check will be for the cost of the materials only. Upon receipt, the DBE will immediately endorse the joint check over to the supplier. We further understand the Joint Check agreement is for this project only. In the event this request is approved, this project will be under increased scrutiny by the Department and FHWA. We understand we are responsible for determining the DBE's commercially useful function status while working on the project. If the joint check agreement is not approved, credit for the cost of materials will not be credited toward the project's DBE goal. We understand the below federal regulation, its implications, and have provided the DBE subcontractor with a copy of the regulation.

49 CFR §26.107

(a) If you are a firm that does not meet the eligibility criteria of subpart D of this part and that attempts to participate in a DOT-assisted program as a DBE on the basis of false, fraudulent, or deceitful statements or representations or under circumstances indicating a serious lack of business integrity or honesty, the Department may initiate suspension or debarment proceedings against you under 2 CFR parts 180 and 1200.

(b) If you are a firm that, in order to meet DBE contract goals or other DBE program requirements, uses or attempts to use, on the basis of false, fraudulent or deceitful statements or representations or under circumstances indicating a serious lack of business integrity or honesty, another firm that does not meet the eligibility criteria of subpart D of this part, the Department may initiate suspension or debarment proceedings against you under 2 CFR parts 180 and 1200.

(c) In a suspension or debarment proceeding brought under paragraph (a) or (b) of this section, the concerned operating administration may consider the fact that a purported DBE has been certified by a recipient. Such certification does not preclude the Department from determining that the purported DBE, or another firm that has used or attempted to use it to meet DBE goals, should be suspended or debarred.

(d) The Department may take enforcement action under 49 CFR Part 31, Program Fraud and Civil Remedies, against any participant in the DBE program whose conduct is subject to such action under 49 CFR part 31.

(e) The Department may refer to the Department of Justice, for prosecution under 18 U.S.C. 1001 or other applicable provisions of law, any person who makes a false or fraudulent statement in connection with participation of a DBE in any DOT-assisted program or otherwise violates applicable Federal statutes.

Signature and Title

Required Attachments: (If one item is missing, DBE credit approval will not be granted).

1. The physical (signed) subcontract between the Prime and DBE.
2. A written denial of credit from the supplier to the DBE for the subject project.
3. A signed statement from the supplier affirming their relationship with the DBE was established independent of the prime contractor.
4. A written explanation from the DBE of how it will maintain control over the work.
5. Copy of the proposed Joint Check Agreement between Prime, proposed by the DBE and Supplier.
6. The DBE Joint Check Request Form to the Department.