

ATTACHMENT 12  
COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF TRANSPORTATION

**CERTIFICATION OF BINDING AGREEMENT**  
**WITH**  
**DISADVANTAGED BUSINESS ENTERPRISE FIRMS**  
(Project Specific Consultant Contracts)

Project No.:

Federal Project No.:

This form is to be submitted in accordance with the Department's Special Provision DBE participation on profession service Project Specific Consultant Contracts.

It is hereby certified by the below signed Consultants that there exists a written quote, acceptable to the parties involved preliminary to a binding subcontract agreement stating the details concerning the work to be performed and the price which will be paid for the aforementioned work. This document is not intended to, nor should it be construed to, contain the entire text of the agreement between the contracting parties. This document does not take the place of, nor may it be substituted for, an official subcontracting agreement in those situations that may require such an agreement. A copy of the fully executed *subconsultant agreement* shall be submitted to the Department within fourteen (14) business days after contract execution.

It is further certified that the aforementioned fully executed subconsultant agreement represent the entire agreement between the parties involved and that no conversations, verbal agreements, or other forms of non-written representations shall serve to add to, delete, or modify the terms as stated.

The prime Consultant further represents that the aforementioned fully executed subcontract agreement shall remain on file for a period of not less than one year following completion of the prime's contract with the Department or for such longer period as provisions of governing Federal or State law or regulations may require. For purposes of this form, the term Prime Consultant shall refer to any Consultant utilizing a DBE subconsultant, in which they are claiming DBE credit toward the contract goal.

Consultants further jointly and severally represent that said binding agreement is for the performance of a "commercially useful function" as that term is employed in 49 C.F.R. Part 26.55 (c), (d).

**TO BE SIGNED BY THE PRIME CONSULTANT AND THE SUBCONSULTANTS**

**Scope of Work to be Performed:**

\_\_\_\_\_

Amount of Subconsultant Agreement to be executed: \$ \_\_\_\_\_

**Prime Consultant:** \_\_\_\_\_

Signature: \_\_\_\_\_ Title \_\_\_\_\_

Date: \_\_\_\_\_

**Subconsultant:** \_\_\_\_\_

Signature: \_\_\_\_\_ Title \_\_\_\_\_

Date: \_\_\_\_\_