

## Procurement of a Consultant

### Agency Documents Approved By ADOT ECS Section

- Completed Certification Acceptance Contract Administration Procedures Review Checklist (**Appendix A**)
- Procurement Procedures – written process for advertising, evaluating, selecting, and negotiating contracts
- Contract Procedures – written process for contract administration and management
- Sample A/E RFQ Package – copies of what the Agency advertises as part of its solicitation
- Sample Contract Boilerplate Documents – copies of contract document used for FAHP projects

**Submit to ADOT LPA Section before December 31, 2018**

### Assessment Questions

Question	Y/N	Document, Page, Paragraph
Is the Agency submitting Design Consultant Contracting (Procurement) Procedures? If yes:		
Do the Agency's Design Consultant Contracting (Procurement) procedures meet the federal and state laws, regulations and all other applicable requirements for qualification-based selection (QBS) process?		
Does the Agency use an ADOT approved prequalification process?		
If no, does the Agency use ADOT's prequalification list?		
Do the Agency's Procedures:		
Require notification to the ADOT PM of kickoff and progress meetings?		
Inform the ADOT PM of error and omission actions taken?		
Require contacting the ADOT PM for approval and FHWA concurrence before terminating a federal-aid contract?		
Include a tracking and reporting process for on-call assignments, if applicable?		
On-Call Design Procurement Procedures		
Is the Agency submitting Design Consultant On-Call Procurement Procedures? If yes:		
Does the Agency's Procedures include On-Call procurement procedures?		
Do the CA Agency's procedures identify and define one of the two task or work orders assignment processes?		
Mini QBS procedures		
Regional selection		
Do the CA Agency's procedures Include a tracking and reporting process for on-call assignments?		
Will the Agency be requesting an approval from ADOT before advertising for procurement of On-Call services?		

See **Appendix B** for additional resources.

<b>Agency – Prepared by:</b>	
Signature	
Printed Name	
Title	
Date	

<b>ADOT – Approved by:</b>	
Signature	
Printed Name	
Title	
Date	

**ARIZONA DEPARTMENT OF TRANSPORTATION  
ENGINEERING CONSULTANTS SECTION (ECS)  
Certification Acceptance (CA) Contract Administration Procedures Review Checklist (Initial  
Advertisement to Contract Closeout)**

**CA Agency:** \_\_\_\_\_ **Submittal Date:** \_\_\_\_\_

**Agency Contact Name:** \_\_\_\_\_

**Contact Phone No.:** \_\_\_\_\_

**Contact E-Mail Address:** \_\_\_\_\_

---

The ADOT ECS Consultant Contract [Manual](#) (Revised October, 2018), LPA Guidelines, CFR, FAR, A.R.S., and U.S.C. are the basis for the development of the CA Guidelines and checklist. References made to applicable regulations are provided for reference purposes only. Sub-recipient agencies shall be responsible for documenting processes and procedures which are compliant with all federal and state regulations governing the consultant procurement process. Amendments to the ECS Manual will be communicated to the CA for implementation. Any changes to the ECS Manual will be applied to the [CA Guidelines](#) and this checklist. ECS will post most current version of the CA Guidelines and checklist while the CA agency is responsible for verifying current guidelines are being followed.

This checklist was developed as a tool to expedite the review of the CA's procedures and to ensure compliance to applicable Federal and State requirements. This document requires CA agencies to clearly state where and how these procedures and requirements are documented in their procedures. The CA procedures are subject to ADOT's review and approval.

The following documents are required for certification acceptance review:

1. A copy of the CA's A/E Contract Award and Administration Procedures
2. A completed CA Contract Administration Procedures Review
3. A sample of an A/E SOQ/RFQ Package
4. A sample of a standard A/E Contract Boilerplate

**Reviewed By:** \_\_\_\_\_ **Review Completion Date:** \_\_\_\_\_

**Review Comments:** \_\_\_\_\_

## Certification Acceptance Contract Administration Procedures Review Checklist - Appendix A

GENERAL INFORMATION AND/OR PROCEDURES					
Section Description	Reference	CA Procedures Content Requirement	CA Compliance Document and Page No.	Compliance Verification	Comments
1.01 Key Acronyms and Definitions	2 CFR 200	Federal Requirement			
1.02 Background (Requirement for Written Procedures for A/E Contracting) for Federal Projects	23 CFR Part 172.5 (a)(4)	Federal requirement. Practice must be documented.			
1.03 Application (References to major applicable Federal and State regulations)	Public Law 92-582 (Brooks Act) Public Law 112-141 23 CFR Part 172 2 CFR 200 48 CFR Chapter 12, 31 49 CFR Part 26 23 USC 112, 106, 114(a), 302, 315, 402 ARS 41-2501 (K) ECS Manual, 49 CFR, 1.48(b) 40 USC 1101 et seq.	Federal and State requirement. Practice must be documented.			
1.4 Program Management and Oversight <ul style="list-style-type: none"> <li>• Rules extended to subrecipients</li> </ul>	23 CFR Part 172.1 and 172.5 (a-e) 2 CFR 200 LPA Manual ECS Manual FHWA & ADOT S&O Agreement	Federal and State requirement. Practice must be documented.			
1.05 QBS Defined	Brooks Act (Public Law 92-582) 23 CFR Part 172.3 ARS 41-2578  2 CFR 200	Federal and State requirement. Practice must be documented.			
1.06 Federal-Aid Funds Authorization	23 CFR Part 172.5 (a)(2) 23 CFR 630.106	Federal requirement.			

<ul style="list-style-type: none"> <li>Project authorization request must be submitted to FHWA for approval</li> </ul>	2 CFR 200 LPA Manual	Practice must be documented.			
1.07 Contract Compensation Types – Definition and/or process: <ul style="list-style-type: none"> <li>Allowable methods – competitive, non-competitive &amp; small purchase</li> <li>Allowable compensation type – LS, CPFF, CPUW and SR</li> </ul>	23 CFR Part 172.9 (b) 2 CFR 200 ARS 41-2538 23 CFR Part 172.7 (1-3)	Federal requirement. Practice must be documented.			
1.08 Non-Competitive Negotiations <ul style="list-style-type: none"> <li>Requires FHWA approval before proceeding.</li> </ul>	23 CFR Part 172.7 (a)(3)(ii) 2 CFR 200	Federal requirement. Practice must be documented.			
1.09 Emergency Procurement <ul style="list-style-type: none"> <li>Requires FHWA approval before proceeding.</li> </ul>	23 CFR Part 172.7 (3)(iii)(B) ARS 41-2537 2 CFR 200	Federal and State requirement. Practice must be documented.			
1.10 Impracticable to Advertise (Low Value Procurements/Small Purchase)	23 CFR Part 172.7(2) 2 CFR 200	Federal requirement. Practice must be documented.			
1.11 On-Call Procurements (Requires FHWA and LPA approval)	23 CFR Part 172.9 (a)(3)	Federal requirement. Practice must be documented.			
1.12 Standards of Conduct and Conflict of Interest Agency Policy	23 CFR Part 172.7 (b)(4)(i-vi) ARS 38-501 through 38-511 ARS 41-753 (D) ARS 41-2503 23 CFR Part 172.5 (c)(3) of 18 23 CFR 1.33 23 CFR Part 172.9 (c)(xi) 2 CFR 200.112	Federal and State requirement. Practice must be documented.			
1.13 Anti-Collusion	23 CFR 635.112(f) 23 USC 112	Federal requirement. Practice must be documented.			

1.14 Non-Procurement Debarment and Suspension	23 CFR Part 172.7 (b)(3) 2 CFR 200 2 CFR Part 1200 2 CFR Part 180 23 CFR Part 172.5 (c)(4) of 18	Federal requirement. Practice must be documented.			
1.15 Examination of Agency Records (FOIA)	23 CFR Part 172.9 (c)(iv-v) 2 CFR 200.333 ARS 39-121 ARS 28-7707 23 CFR Part 172.7 (a)(1)(iv)(F) 23 CFR Part 172.9 (d)(1)(vii)	Federal and State requirement. Practice must be documented.			
1.16 Protest and Dispute Resolution	23 CFR Part 172.5 (c)(18) of 18 2 CFR 200	Federal requirement. Practice must be documented.			
1.20 Anti-Lobbying/Disclosure  • >\$100K - lobbying certification is needed	23 CFR Part 172.9 (c)(2) 2 CFR 200.450 Title 31 USC 1352 Public Law 101.121 48 FAR Subpart 3.8 and Subpart 52.203-11 23 CFR Part 20	Federal requirement. Practice must be documented.			

## ADVERTISEMENT THROUGH SELECTION NOTIFICATION

Section Description	Reference	CA Procedures Content Requirement	CA Compliance Document and Page No.	Compliance Verification	Comments
2.01 Prequalification of Consultants (Agency practice must be approved)	23 CFR Part 172.7 (a)(1)(i) Public Law 92-582 (Brooks Act)	Federal requirement. ADOT or Agency's process must be documented and approved.			
2.3 Pre-Advertisement Requirements <ul style="list-style-type: none"> <li>• FHWA Authorization Request</li> <li>• Procurement Method</li> <li>• Solicitation</li> <li>• Schedule of Events</li> <li>• Number of Awards</li> <li>• RFQ with Sample Contract</li> <li>• DBE Goal setting</li> <li>• Final SOW</li> </ul>	23 CFR Part 172.7(b)(2)(i)(A-B) 2 CFR 200 23 CFR Part 172.5 (2) 23 CFR Part 172.5 (c)(1-18) ARS 41-2534 ARS 41-2537 23 CFR Part 172.7 (a) 23 CFR Part 172.7 (a)(1)(i) 23 CFR Part 172.7 (a)(1)(ii)(A) & (G) 23 CFR Part 172.9 (a)(3)(iv)(A)	Federal and State requirement. Practice must be documented.			
2.04 Standard Content Requirements for RFQ	23 CFR Part 172.7 2 CFR 200	Federal and State requirement. Practice must be documented.			
2.05 Request for Qualifications and Evaluation Criteria <ul style="list-style-type: none"> <li>• Costs cannot be a factor</li> <li>• Local presence allowed as nominal eval criterion (&lt; 10% of total eval)</li> </ul>	23 CFR Part 172.7 (a)(1)(iii) Public Law 92-582 (Brooks Act) 2 CFR 200	Federal and State requirement. Practice must be documented.			

criteria) <ul style="list-style-type: none"> <li>• DBE usage allowed as nominal evaluation criterion (less than 10%)</li> <li>• Local preference shall not be used as an evaluation criterion.</li> </ul>					
2.06 Advertisement Process <ul style="list-style-type: none"> <li>• Advertised twice (2 consecutive publications)</li> <li>• Qualified newspaper circulation over 50,000 subscribers</li> </ul>	23 CFR Part 172.7 (a)(iii)(c) 2 CFR 200 ARS 34-201(A) ARS 39-203 ARS 39-204 ARS 41-2534	Federal and State requirement. Practice must be documented.			
2.07 Request for Qualifications (RFQ) Availability	23 CFR Part 172.7 (a)(1)(ii) 2 CFR 200	Federal and State requirement. Practice must be documented.			
2.08 Amendments to RFQ Package	2 CFR 200	Federal and State requirement. Practice must be documented.			
2.09 Contact with Agency Staff during Solicitation Period	2 CFR 200	Federal and State requirement. Practice must be documented.			
2.10 Pre-Submittal Meeting	2 CFR 200	Federal and State requirement. Practice must be documented.			
2.11 Pre-SOQ Submittal/Selection Panel Requirements	2 CFR 200 (Appendix I)	Federal and State requirement. Practice must be documented.			
2.12 Statement of Qualifications (SOQ) Submittal	2 CFR 200 (Appendix I)	Federal and State requirement. Practice must be			



		documented.			
2.13 Non-Responsive SOQ Submittal	2 CFR 200	Federal and State requirement. Practice must be documented.			
2.14 Evaluation of SOQs <ul style="list-style-type: none"> <li>Qualified panel of not less 3 members</li> <li>Conflict of Interest and Confidentiality Statements recommended</li> </ul>	23 CFR Part 172.7 (a)(1)(ii)(C) 2 CR 200 (Appendix I) 23 CFR Part 172.7 (a)(1)(iii-iv) ARS 41-2616 ARS 41-2517	Federal and State requirement. Practice must be documented.			
2.15 Selection Process <ul style="list-style-type: none"> <li>Selection process is fully documented.</li> <li>Firms are ranked based on qualifications.</li> <li>Most qualified firm is selected.</li> </ul>	23 CFR Part 172.7 (a)(1)(iv)(F) 2 CFR 200 (Appendix I) Public Law 92-582 (Brooks Act) 23 CFR Part 172.7 (a)(1)(iv)(D)	Federal and State requirement. Practice must be documented.			
2.16 Selection Notification	23 CFR Part 172.7 (a)(1)(iv)(E) 2 CFR 200 (Appendix I)	Federal and State requirement. Practice must be documented.			
2.17 Debriefing Sessions	FAR 36.607 (b)	Federal requirement. Practice must be documented.			
2.18 Agency's Rights	2 CFR 200	Federal and State requirement. Practice must be documented.			

## NEGOTIATION THROUGH NOTICE TO PROCEED

Section Description	Reference	CA Procedures Content Requirement	CA Compliance Document and Page No.	Compliance Verification	Comments
3.01 Pre-Negotiation		Agency Practice.			
3.02 Fixed Fee <ul style="list-style-type: none"> <li>• Determined based on scope, complexity, contract duration, degree of risk, dollar value and type of contract.</li> </ul>	23 CFR Part 172.11 (b)(3) 2 CFR 200	Federal requirement. Practice must be documented.			
3.03 Agency Project Manager's Cost Estimate	23 CFR Part 172.7(a)(1)(v)(B) 40 USC 1104 (a) 2 CFR 200	Federal requirement. Practice must be documented.			
3.04 Contract Compliance Requirements <ul style="list-style-type: none"> <li>• Follow Federal cost principles</li> <li>• OH based firm need to submit OH certification</li> <li>• OH rates should be recently audited</li> <li>• Cannot cap OH rates or direct labor rates.</li> <li>• Labor rates should be within the range of reasonableness</li> <li>• Contract Provisions</li> </ul>	23 CFR Part 172.11 (c) 23 CFR Part 172.11 (a)(1-2) 23 CFR Part 172.11 (b)(4)(3)(iii) 23 CFR Part 172.11 (b)(1)(ii) 23 CFR Part 172.11 (b)(2)(ii) 23 CFR Part 172.9 (c)(1)(ix) 48 CFR Part 31 2 CFR 200 (Appendix II) AASHTO Uniform Audit and Accounting Guide 40 USC 1104 (a) 23 CFR Part 172.7 (a)(1)(v)(E) 23 CFR Part 172.11 (b)(1)(v)	Federal requirement. Practice must be documented.			
3.05 Cost Proposal Negotiations/ Failed Negotiations <ul style="list-style-type: none"> <li>• Negotiation process should be documented.</li> <li>• When failed negotiations occur, begin negotiations with next highest ranked firm.</li> </ul>	23 CFR Part 172.7 (a)(1)(v) 48 CFR Part 31 2 CFR 200 FAR Subpart 36.606 Public Law 92-582 (Brooks Act) 40 U.S.C 1104 (b)	Federal requirement. Practice must be documented.			

3.06 Final Contract Approval	23 CFR Part 172.7 (b)(3) 23 CFR Part 172.7 (b)(2)(i)(B) 49 CFR Part 26 LPA Guidelines	Federal requirement. Practice must be documented.			
3.07 Notice to Proceed	49 CFR Part 26	Federal requirement. Practice must be documented.			
3.08 Contract Advance Notice to Proceed (requires FHWA approval)	LPA Guidelines A.R.S. 28-411 ECS Manual	Federal and State requirement. Practice must be documented.			

## CONTRACT ADMINISTRATION

Section Description	Reference	CA Procedures Content Requirement	CA Compliance Document and Page No.	Compliance Verification	Comments
4.01 Post-Award Information	49 CFR Part 26 2 CFR 200 (Subpart D)	Federal requirement. Practice must be documented.			
4.02 Agency Vendor Registration		Agency practice but must be documented.			
4.03 Monthly Progress and Work-Hour Reports	23 CFR Part 172.5 (c)(12) of 18 23 CFR Part 172.9 (d)(1)(iv) 2 CFR 200	Federal requirement. Practice must be documented.			
4.04 Progress Payment Reports DBE Reporting	23 CFR Part 172.9 (c)(vii) 49 CFR Part 26 2 CFR 200 ARS 28-411	Federal and State requirement. Practice must be documented.			
4.05 Prompt Pay	23 CFR Part 172.9 (c)(viii) A.R.S. 28-411 2 CFR 200	Federal and State requirement. Practice must be documented.			
4.06 Contract Modifications (requires DBE Goal Reporting and Compliance)	23 CFR Part 172.9 (e) 2 CFR 200 49 CFR Part 26	Federal requirement. Practice must be documented.			
4.07 Post-Design Services (PDS)		Agency Practice but must be documented.			
4.8 Name Change, Merger, Acquisition, etc. • Contract Terms	2 CFR 200	Federal requirement. Practice must be documented.			
4.09 Change of Key Personnel	2 CFR 200	Federal			

• Consistent with initial QBS		requirement. Practice must be documented.			
4.10 Control, Utilization and Disposition of Property or Equipment	2 CFR 200	Federal requirement. Practice must be documented.			
4.11 On-Call Contract Task Order Assignment	23 CFR Part 172.9 (a)(3)(iv)(B)(1-2)	Federal requirement. Practice must be documented.			
4.12 Contract Time Extension	23 CFR Part 172.9 (e)(1) 2CFR 200	Federal requirement. Practice must be documented.			
4.13 Contract Suspension	2 CFR 200	Federal requirement. Practice must be documented.			
4.14 Consultant Performance Evaluations	23 CFR Part 172.9 (d)(2) 23 CFR Part 172.5 (c)(13) of 18 2 CFR 200	Federal requirement. Practice must be documented.			
4.15 Errors and/or Omissions	23 CFR Part 172.5 (c)(16) of 18 23 CFR Part 172.9 (c)(x) 2 CFR 200	Federal requirement. Practice must be documented.			
4.16 Breach of Contract	23 CFR Part 172.5 (c) (17 of 18) 2 CFR 200 23 CFR Part 172.9 (c)(i)	Federal requirement. Practice must be documented.			
4.17 Contract Completion	23 CFR Part 172.5 (c)(14) of 18 2 CFR 200 49 CFR Part 26	Federal requirement. Practice must be documented.			
4.18 Final/Incurred Cost Audit (CPFF and CPFFTO Contracts Only)	23 CFR Part 172.11 (b)(1) 2 CFR 200	Federal requirement. Practice must be documented.			
4.19 Termination for Convenience and Default	2CFR 200 23 CFR Part 172.9 (c)(xii)	Federal requirement.			

		Practice must be documented.			
4.20 Ownership of Data	23 CFR Part 172.9 (c)(iii) 44 USC 3101 2 CFR 200	Federal requirement. Practice must be documented.			
4.21 Records Retention/Destruction	23 CFR Part 172.9 (c)(v) 2 CFR 200.333 ARS 32-214 23 CFR Part 172.5 (c)(15) of 18	Federal and State requirement. Practice must be documented.			

## A/E SOQ/RFQ Package Review Checklist

### (SOQ Package Review)

<b>PRE-ADVERTISEMENT REQUIREMENTS</b>					
Section Description	Reference	CA Procedures Content Requirement	CA Compliance Document and Page No.	Compliance Verification	Comments
3.02 (a) Funding Authorization (Federal Authorization e-mail will suffice or AZPR2X form)	23 CFR Part 172.5 (a)(2) 2 CFR 200 LPA Manual (Section 210)	Federal requirement. Practice must be documented.			
3.02 (b) Method of Procurement (Standard, Sole Source, Emergency, etc.)	23 CFR Part 172.7 2 CFR 200 ARS 41-2537 & 2538	Federal and State requirement. Practice must be documented.			
3.02 (c) Number of Awards (If on-call or multiple selection)	23 CFR Part 172.9 (a)(3)(iv)(A) 2 CFR 200	Federal requirement. Practice must be documented.			
3.02 (d) Advertisement and Schedule of Events	23 CFR Part 172.7 (a)(1)(ii)(G) 2 CFR 200 ARS 34-201(a) ARS 39-201, 203 and 204 ARS 41-2534	Federal and State requirement. Practice must be documented.			

## STANDARD SOQ CONTENT REQUIREMENTS

2.04 (a) Contract Number, Name of Project and applicable Project Number (TRACS No.)	2 CFR 200	Federal requirement. Practice must be documented.			
2.4 (b) Public Advertisement Notice (Dates advertised and SOQ Submittal Deadline) <ul style="list-style-type: none"> <li>By public announcement</li> <li>In-state and out-of-state consultants given opportunity</li> </ul>	23 CFR Part 172.7 (a)(1)(i) & (a)(1)(ii)(G) 2 CFR 200 ARS 34-201(a) ARS 39-201, 203 and 204 ARS 41-2534	Federal and State requirement. Practice must be documented.			
2.04 (c) Instructions on where to obtain a copy of the RFQ/Amendments	2 CFR 200 23 CFR 635.112 FAR Subpart 5.102	Federal requirement. Practice must be documented.			
2.04 (d) SOQ Submittal Delivery Location (Submitted electronically or hard copy)	2 CFR 200	Federal requirement. Practice must be documented.			
2.04 (e) Proposal preparation instructions/format (No. of pages, copies, format, etc.)	23 CFR Part 172.7 (a) 2 CFR 200	Federal requirement. Practice must be documented.			
2.4 (f) Evaluation Criteria and Possible Award Points <ul style="list-style-type: none"> <li>Neither costs nor local preference is allowed.</li> </ul>	23 CFR Part 172.7 (a)(1)(ii)&(iii) 23 CFR Part 172.7 (a)(1)(iii)(C) 23 CFR Part 172.7 (a)(1)(iii)(D)(1) 23 CFR Part 172.7 (a)(1)(iii)(B) 2 CFR 200	Federal requirement. Practice must be documented.			
2.04 (g) Right to Reject any and all Submittals Notice	2 CFR 200	Federal requirement. Practice must be documented.			
2.04 (h) Required proper Arizona licenses, Registrations (BTR, AZ UTRACS, etc.)	23 CFR Part 172.7 (a)(1)(iii) 49 CFR Part 26	Federal and State requirement. Practice must be			



		documented.			
2.04 (i) Current ECS prequalification application on file	23 CFR Part 172.7 (a)(1)(i) Brooks Act 40 USC 1103	Federal requirement. ADOT or Agency's process must be documented, if approved.			
2.04 (j) SOQ Bidder's/Proposer's List Requirement	49 CFR Part 26	Federal requirement. Practice must be documented as required by BECO.			
2.04 (k) Staff Contact Restriction Notice	2 CFR 200	Federal requirement. Practice must be documented.			
2.04 (l) Questions Deadline	2 CFR 200	Federal requirement. Practice must be documented.			
2.04 (m) Pre-Submittal or Oral Interview Information (if applicable)	23 CFR Part 172.7 (a)(1)(iii)(C) 2 CFR 200	Federal requirement. Practice must be documented.			
2.04 (n) Number of Awards (if applicable, on-call or multiple selection)	23 CFR Part 172 2 CFR 200	Federal requirement. Practice must be documented.			
2.04 (o) Professional Liability Insurance Requirements	FAR Part 31 2 CFR 200	Federal requirement. Practice must be documented.			
2.04 (p) Generally Accepted Accounting Principles (GAAP) Notice	23 CFR Part 172.11 48 CFR 31 23 USC 112 AASHTO Uniform Audit and Accounting Guide	Federal requirement. Practice must be documented.			

2.04 (q) All SOQ submittals become property of the Agency	2 CFR 200	Federal requirement. Practice must be documented.			
2.04 (r) Review of Selected SOQ Proposals after Award (Debriefings)	FAR 36.607 (b)	Federal requirement. Practice must be documented.			
2.04 (s) Proposal Content and Format Instructions	23 CFR Part 172 2 CFR 200	Federal requirement. Practice must be documented.			
2.04 (t) Evaluation Criteria and Possible Award Points	23 CFR Part 172 2 CFR 200	Federal requirement. Practice must be documented.			
2.04 (u) SOQ Certification Requirements	2 CFR 200	Federal requirement. Practice must be documented.			
2.04 (v) DBE Goal and Compliance Information	49 CFR Part 26 23 CFR Part 172.7 (a)(1)(iii)(D)(2) 2 CFR 200	Federal requirement. Practice must be documented as required by BECO.			
2.04 (x) Sample Contract with applicable Compensation Language, Payment Terms, DBE Goal Assessed Percentage (if applicable) and all Federal Uniform Terms and Conditions	23 CFR Part 172 2 CFR 200	Federal requirement. Practice must be documented.			
2.04 (y) Contract Procurement and Project	23 CFR Part 172.7 (a)(1)(ii)(G) 2 CFR 200	Federal requirement.			

Schedule		Practice must be documented.			
<p>2.04 (z) Title VI / Nondiscrimination</p> <ul style="list-style-type: none"> <li>This assurance is binding on Arizona, other recipients, sub-recipients, and any other participants in the Federal Aid Highway Program.</li> </ul>	<p>23 CFR Part 172.9 (c)(vi)  2 CFR 200 (Appendix II)  49 CFR Part 26  Executive Order 09-04  Executive Order 11246 and 11375  41 CFR Part 60  49 CFR Part 21  Title VI Assurances  <b>(Appendices A and E)</b> of Civil Right Act of 1964.</p>	<p>Federal and State requirement.  Practice must be documented.</p>			

**A/E Contract Boilerplate Review Checklist**  
**Federal and State Uniform Terms & Conditions (Federal and State U T & C)**  
**23 CFR 172 Contract Clause Requirements**  
**2 CFR 200 Contract Clause Requirements**  
**A.R.S. Contract Clause Requirements**  
**U.S.C. Contract Clause Requirements**

**STANDARD CONTRACT PROVISIONS**

Section Description	Reference	CA Procedures Content Requirement	CA Compliance Document and Page No.	Compliance Verification	Comments
Contract Cover Page		Agency practice			
Contract Table of Contents		Agency practice			
1.0 Contract Information, Description, Recitals, etc.	ARS 28-6922 (A)(5)	State requirement. Practice must be documented.			
2.01 Contract Schedule and Completion Date	23 CFR Part 172.9 2 CFR 200	Federal requirement. Practice must be documented.			
2.02 Scope of Work	23 CFR Part 172 2 CFR 200	Federal requirement. Practice must be documented.			
3.01 Consultant's Compensation	23 CFR Part 172.9 (b) 49 CFR Part 31 2 CFR 200	Federal requirement. Practice must be documented.			
3.02 Approved Cost Proposal Summary	23 CFR Part 172.7 (a)(1)(v)(C-E) 2 CFR 200	Federal requirement. Practice must be documented.			
4.01 General Compliance with Laws	2 CFR 200 ARS 14-10107	Federal and State requirement.			

		Practice must be documented.			
4.02 Governing Law – Arizona	ARS 14-10107	State requirement. Practice must be documented.			
4.03 Monthly Progress and Work-Hour Reports	23 CFR Part 172.5 (c)(12) of 18 23 CFR Part 172.9 (d)(1)(iv) 2 CFR 200	Federal requirement. Practice must be documented.			
4.04 Payment Reports/Invoices	23 CFR Part 172.9 (c)(vii) 49 CFR Part 26 2 CFR 200 A.R.S. 28-411	Federal and State requirement. Practice must be documented.			
4.05 Late Submittal of Payment Reports	ECS Manual, Section 4.04	State requirement. Practice must be documented.			
4.06 Prompt Pay	23 CFR Part 172.9 (c)(viii) A.R.S. 28-411 2 CFR 200 ECS Manual, Section 4.05	Federal and State requirement. Practice must be documented. (U T & C)			
4.07 Contract Modifications	23 CFR Part 172.9 (e) 2 CFR 200 49 CFR Part 26	Federal requirement. Practice must be documented.			
4.08 Contract Time Extensions	23 CFR Part 172.9 (e)(1) 2 CFR 200	Federal requirement. Practice must be documented.			
4.09 Dispute Escalation	23 CFR Part 172.5 (c)(18) of 18 2 CFR 200 23 CFR Part 172.11 (b)(1)(vii)	Federal requirement. Practice must be documented.			
4.10 Force Majeure		Agency Practice			
4.11 Electronic Plan Documentation		Agency Practice			
4.12 Errors and Omissions	23 CFR Part 172.5 (c)(16) of 18 2 CFR 200	Federal requirement. Practice must be			

		documented. (U T & C)			
4.13 Consultant or Subconsultant Endorsement of Plans • Use of Seals	A.A.C. R4-30-304	State requirement. Practice must be documented.			
4.14 Arbitration	2 CFR 200 (Appendix II)	Federal requirement. Practice must be documented.			
4.15 Litigation	ARS 14-10107 2 CFR 200 (Appendix II)	Federal and State requirement. Practice must be documented.			
4.16 Suspension of Work	2 CFR 200	Federal requirement. Practice must be documented.			
4.17 Project Delays, Postponements and Extensions	2 CFR 200	Federal requirement. Practice must be documented.			
4.18 Termination for Default or Convenience	23 CFR Part 172.9 (c)(xii) 2 CFR 200 (Appendix II)	Federal requirement. Practice must be documented. (U T & C)			
4.19 Cancellation	2 CFR 200 ARS§ 38-511 (A)	Federal and State requirement. Practice must be documented.			
4.20 Insurance	ARS 41-621 (E) CA Guidelines FAR Part 31 2 CFR 200	Federal and State requirement. Practice must be documented.			
4.21 Indemnification (Responsibility for Claims and Liabilities)	23 CFR Part 172.5 (c)(16) of 18 ARS 41-621	Federal and State requirement. Practice must be documented.			
4.22 Permits for Work on ADOT Right of	Contract Boilerplate, Section	State			

Way	4.22	requirement, if applicable; Practice must be documented			
4.23 Anti-Trust Violations	FAR Subpart 3.3	Federal requirement. Practice must be documented.			
4.24 Consultant's Responsibility for Plans and Data	A.A.C. R4-30-304	State requirement. Practice must be documented. (U T & C)			
4.25 Professional Conduct and Professional Registration	2 CFR 200 Arizona Administrative Code (A.A.C.) R4-30-301 Arizona Administrative Code (A.A.C.) R4-30-201	Federal and State requirement. Practice must be documented. (U T & C)			
4.26 Improper Exercise of Authority		Agency Practice			
4.27 Conflicts of Interest	23 CFR Part 172.7 (b)(4)(i-vi) ARS 38-501 through 38-511 ARS 41-753 (D) ARS 41-2503 23 CFR Part 172.5 (c)(3) of 18 23 CFR 1.33 23 CFR Part 172.9 (c)(xi) 2 CFR 200.112	Federal and State requirement. Practice must be documented. (U T & C)			
4.28 Consultant/Contractor Conflicts of Interest	23 CFR Part 172.7 (b)(4)(i-vi) ARS 38-501 through 38-511 ARS 41-753 (D) ARS 41-2503 23 CFR Part 172.5 (c)(3) of 18 23 CFR 1.33 23 CFR Part 172.9 (c)(xi) 2 CFR 200.112	Federal and State requirement. Practice must be documented.			
4.29 Organization Employment Disclaimer	23 CFR Part 172 ARS 38-501 through 38-511	Federal and State requirement. Practice must be documented.			
4.30 Federal Debarment and Suspension	23 CFR Part 172.7 (b)(3) 2 CFR 200 (Appendix II)	Federal requirement.			

	2 CFR Part 1200 2 CFR Part 180 23 CFR Part 172.5 (c)(4) of 18 FAR Subpart 9.4 49 CFR Part 29.305 (a)	Practice must be documented. (U T & C)			
4.31 Contingent Fees	FAR Subpart 3.4	Federal requirement. Practice must be documented.			
4.32 Subletting, Assignments and Transfers	2 CFR 200	Federal requirement. Practice must be documented.			
4.33 Subcontracts	23 CFR Part 172.7 (a)(1)(iv)(B)	Federal requirement. Practice must be documented. (U T & C)			
4.34 Key Personnel	2 CFR 200	Federal requirement. Practice must be documented. (U T & C)			
4.35 Employment of Personnel of Public Agencies	2 CFR 200	Federal requirement. Practice must be documented. (U T & C)			
4.36 Successors and Assigns	2 CFR 200	Federal requirement. Practice must be documented.			
4.37 Continuing Obligation	2 CFR 200	Federal requirement. Practice must be documented.			
4.38 Name Change, Merger and Acquisitions	2 CFR 200	Federal requirement. Practice must be documented.			
4.39 Anti-Lobbying	23 CFR Part 172.9 (c)(2)	Federal			



	Title 31 USC 1352 Public Law 101-121 48 FAR Subpart 3.8 and Subpart 52.203-11 2 CFR 200 (Appendix II)	requirement. Practice must be documented. (U T & C)			
4.41 Records Retention, Maintenance & Audit	23 CFR Part 172.9 (c)(v) 2 CFR 200.333 ARS 35-214 and ARS 35-215 23 CFR Part 172.5 (c)(15) of 18	Federal and State requirement. Practice must be documented. (U T & C)			
4.42 Final/Incurred Cost Audit	23 CFR Part 172.11 (b)(1) 2 CFR 200	Federal requirement. Practice must be documented. (U T & C)			
4.43 Reviews and Inspections	23 CFR Part 172.9 (c)(iv) 2 CFR 200	Federal requirement. Practice must be documented. (U T & C)			
4.44 Property or Equipment	2 CFR 200	Federal requirement. Practice must be documented.			
4.45 Nondiscrimination • This assurance is binding on Arizona, other recipients, sub-recipients, and any other participants in the Federal Aid Highway Program.	23 CFR Part 172.9 (c)(vi) 49-CFR Part 26 Executive Order 09-04 Executive Order 11246 & 11375 41 CFR Part 60 49 CFR Part 21 Title VI Assurances <b>(Appendices A and E)</b> of Civil Right Act of 1964. 2 CFR 200 (Appendix II)	Federal and State requirement. Practice must be documented. (UT & C)			
4.46 Affirmative Action	23 CFR Part 172 23 CFR Part 230.311 2 CFR 200	Federal requirement. Practice must be documented. (U T & C)			

4.48 Environmental Protection (Contract > \$100K)	Section 306 of the Clean Air Act (42 USC 1857 (h), 508 of the Clean Water Act (33 USC 1368, Executive Order 11738 and EPA Regulations) 2 CFR 200 (Appendix II)	Federal requirement. Practice must be documented. (U T & C)			
4.49 Energy Conservation	Public Law 94-163 State Energy Conservation Plan 2 CFR 200 23 CFR 635	Federal and State requirement. Practice must be documented. (U T & C)			
4.50 Ownership of Data	23 CFR Part 172.9 (c)(iii) 44 USC 3101 2 CFR 200	Federal requirement. Practice must be documented. (U T & C)			
4.51 Patents and Copyrights	23 CFR Part 172.9 (c)(iii) 44 USC 3101 2 CFR 200	Federal requirement. Practice must be documented.			
4.52 Fraud and False Statements	18 USC 1001 & 1020 23 CFR 172.11 (4)(i-ii) 2 CFR 200	Federal requirement. Practice must be documented. (U T & C)			
4.53 Federal Immigration and Nationality Act	8 CFR (1000-1399) Immigration Reform and Control Act of 1986, Arizona Executive Order 2005-030 ARS 41-4401 ARS 23-214(A)	Federal and State requirement. Practice must be documented. (U T & C)			
4.54 Pandemic Contractual Performance	ARS 41-2537	State Requirement.			

		Practice must be documented.			
4.55 Performance Evaluations	23 CFR Part 172.9 (d)(2) 23 CFR Part 172.5 (c)(13) of 18 2 CFR 200	Federal requirement. Practice must be documented.			
4.56 Contract completion	23 CFR Part 172.5 (c)(14) of 18 2 CFR 200 49 CFR Part 26	Federal requirement. Practice must be documented.			
Contract Signature Page	FAR Subpart 4.102 (a)	Federal requirement.			
Appendices					
Scope of Work	23 CFR Part 172.5 (c)(1) of 18 2 CFR 200 23 CFR 172.7 (a)(1)(ii)(A)	Federal requirement. Practice must be documented.			
Final Cost Proposal	23 CFR Part 172.5 (c)(9) 172.7 (a)(1)(ii)(F) 2 CFR 200	Federal requirement. Practice must be documented.			
Professional Services DBE Special Provisions <b>(Appendix B)</b>	49 CFR Part 26 23 CFR Part 172.9 (c)(vii) 2 CFR 200	Federal requirement. Language must be documented as required by BECO.			
Title VI/Nondiscrimination Assurances <b>(Appendices A&amp;E)</b>	23 CFR Part 172.9 (c)(vi) 49-CFR Part 26 Executive Order 09-04 Executive Order 11246 & 11375 41 CFR Part 60 49 CFR Part 21 Title VI Assurances <b>(Appendices A and E)</b> of Civil Right Act of 1964. 2 CFR 200 (Appendix II)	Federal requirement. Appendices must be physically incorporated per ADOT CRO.			