



Construction DBE EPRISE & Prompt Pay Specifications Training

*Sponsored by ADOT
2016*

Construction Contractors



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ADOT Specifications Revisions for DBE (EPRISE) and Prompt Pay (Construction Contractors) 2016

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Objectives

- Training Purpose
- DBE Program Overview
- Contract DBE Requirements:
 - ✓ Pre-Bid
 - ✓ Pre-Award
 - ✓ Post-Award
 - ❖ Prompt Pay
 - ✓ Closeout
- Supportive Services
- AZ UTRACS Demonstration



Training Purpose

Present information contained in revised DBE EPRISE, 109RET and 109PAY Specifications based on:

- 2012 and 2014 DOT revisions to federal regulations
- FHWA official guidance on prompt pay and related issues
- USDOT audits, studies and investigative findings of the DBE program
- ADOT experience working with the program since 2011



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DBE Program Overview

ADOT, as a condition to receive federal funds, is required to implement a Disadvantaged Business Enterprise (DBE) Program under 49 CFR Part 26.

ADOT DBE Program is outlined in:

- ADOT DBE Program Plan
- ADOT DBE Policy
- ADOT DBE Specifications (EPRISE)



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ADOT DBE Goals



FHWA: 8.90%

FTA: 7.25%

FAA: 4.87%



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Specifications Transition Period



- DBE Special Provisions (EPRISE 06/09/2016) and Prompt Pay Specifications (109RET and 109PAY)
 - Effective for projects advertised after July 1, 2016



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Counting DBE Utilization



ADOT measures progress towards its overall DBE goals and on project goals to ensure minority and women-firms are competing fairly on all types of federal-aid contracts and procurements

Counting Rules:

- DBE must be certified as of the deadline for submission of bids
- DBE must be certified in each NAICS code of work performed on contract



Section 18.0

(Section 18.05)

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Counting DBE Utilization



Other Services

Count 100% of commissions or fees for providing:

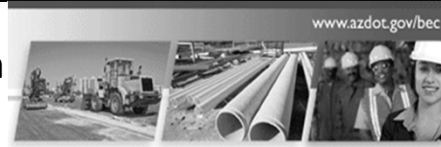
- Bonds or insurance
- Temporary labor
- Off-duty police officers



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Counting DBE Utilization



- What else can be counted toward DBE goal:
 - Services specifically required for the performance of a DOT-assisted contract
 - Value of work subcontracted to another DBE
 - Value of joint venture contract equal to distinct portion of work performed by DBE venture partner



Counting DBE Utilization



DBE Manufacturer Count 100% of materials or supplies obtained for the project	Owns factory or produces on premises according to specs
DBE Regular Dealer Count 60% of materials or supplies	Owns an establishment that buys, stocks, and sells/leases to the public
Packagers, Brokers, Manufacturers' reps Count only fees and commissions	Assist with procurement, and/or transporting of materials/ supplies to the project

- ADOT will credit towards DBE goal on a contract-by contract basis. No carry over from contract to contract
- Qualifying under a type of work for one contract does not mean DBE will qualify for the same type of work on another contract
- The bidder is responsible for verifying qualification as a manufacturer, regular dealer or supplier

EPRISE Section 18.08

Pre-Bid Requirements DBE Liaison



- Contractor designates a DBE Liaison for the administration of the contractor's DBE program
 - This individual will be ADOT's primary contact person for each firm regarding DBE program matters
 - DBE Liaison name shall be included in the DBE Intended Participation Affidavit Summary Form



Pre-Bid Requirements Good Faith Efforts



- A Good Faith Effort (GFE) is a **continual process** that starts well before a bid is submitted and goes to the end of a Federally funded project.
- Only bidders that demonstrate adequate GFE to meet the contract goal are eligible to be awarded federal contracts.



EPRISE Section 15.0

Pre-Bid Requirements Good Faith Efforts (continued)



GFE is demonstrated two ways:

1. Meeting the goal:
 - Identifying the DBEs
 - Dollars (\$)
2. Demonstrating diligent and honest effort to meet goal, but falling short of the goal:
 - Contacting BECO for assistance
 - Identifying and advertising for opportunities
 - Contacting, negotiating, and following up with DBEs



Pre-Bid Requirements Good Faith Efforts (continued)



Examples of Contractor GFEs include:

- Conducting market research to identify small business contractors and suppliers
 - Pre-bid meetings
 - Business matchmaking meetings and events
 - Advertising and/or providing written notices
 - Posting of RFPs or notices for sources sought at reasonable places to all DBEs



Pre-Bid Requirements Good Faith Efforts (continued)



- Making work more feasible by including flexible timeframes for performance and delivery of work
- Mailings to DBEs alone are not sufficient GFE
- Promise to use DBEs after contract award is not considered responsive



Pre-Bid Requirements Good Faith Efforts (GFE) Guide



ARIZONA DEPARTMENT OF TRANSPORTATION
BUSINESS ENGAGEMENT AND COMPLIANCE OFFICE

Disadvantaged Business Enterprises (DBE) Good Faith Efforts (GFE) Guide For Construction Projects

For use in bidding federally funded Arizona Department of Transportation (ADOT) projects subject to the Disadvantaged Business Enterprises (DBE) Program.

The purpose of the GFE Guide is to help bidders understand the type of documentation that is required if the Bidder has indicated on the DBE Assurance Form that the goal will not be met. GFE documentation must be submitted within seven (7) calendar days following the bid opening. Failure to submit good faith effort documentation within the required time period will render the bid non-responsive.

For questions about this guide or any components of the DBE Good Faith Effort, please contact the ADOT Business Engagement and Compliance Office (BECC) at (602) 712-7765 or ContractorCompliance@azdot.gov.

ADOT Good Faith Effort Guide

All bidders must perform good faith efforts

- The activities for pre-bid good faith efforts are done **before** bid submission.
- See GFE Guide
- See 49 CFR Part 26, Appendix A for specific Guidance Concerning GFEs

Pre-Bid Requirements DBE Goal Assurance



- Contractor must select one of two options at bid time:
 - Meet the contract DBE goal, or
 - Make good faith efforts (GFE)
- This declaration cannot be changed after submission of bid
- DBE “arrangements must have been made prior to bid submittal”

Pre-Award Requirements DBE Submissions Timeframe



If a Prime indicates that it will meet the DBE goal on a contract:

- Bidders List and DBE Affidavits are due on the **7th calendar** day after bids are opened (generally on a Friday)
 - Same number of days as currently required (working v. calendar days) – Generally **Friday** after bid opening
- Contractors and subcontractors must also be registered in AZ UTRACS by that same timeframe



Pre-Award Requirements DBE Submissions Timeframe



NOTE:

- Effective **January 1, 2017** Bidders list, DBE Affidavits or GFE Documentation are due on the **5th calendar** day after bids are opened.
- This will be **2 days less** than current requirements - Generally **Wednesday** after bid opening

EPRISE Section 11.0, 14.0 and 15.0

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Pre-Award Requirements AZ UTRACS Registration



- Prime contractors and all subcontractors including DBEs must be registered on the Arizona Unified Transportation Registration and Certification System (AZ UTRACS) web portal

www.azutracs.com

- Centralized database for companies that seek to do business with ADOT

EPRISE Section 11.0

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Pre-Award Requirements Online Bidders List

- ALL Bidders must complete and submit the bidders list online at www.azutracs.com
- Submit to BECO a copy of the email confirmation no later than 4:00 PM on the seventh calendar day following bid opening.
- Changed to fifth calendar day following bid opening January 1, 2017



Bidders List Email Confirmation

K&B Consultants has submitted a Bidder/Proposer list for T002001C - 32nd Street - AVE 8.5E to Ave 3E on 06/13/2016.

Bidders/Proposers for this firm included:				
Firm Name	AZUTRACS Number	Expiration Date	Email Address	Phone Number
About Blind Cleaning, Inc.	19023	06/06/2019	blindcleaningaz@comcast.net	602-404-7250
AM Safety LLC.	19545	06/06/2017	amcsnell116@yahoo.com	623-205-2378
Ames Combs Joint Venture	18290	12/01/2017	braynsmiller@amesco.com	602-431-2111
Farm Contracting, Inc.	18817	01/06/2017	inquiry@farmcontracting.com	928-778-0170
Huston Environmental Services	18750	06/17/2017	khuston@com.net	480-216-9291
Premier Engineering Corporation	18064	06/09/2019	ce@pre-engr.com	480-829-6000
Saturn Concrete Construction, LLC	18671	01/31/2017	info@saturnconcrete.com	623-261-4772
Sundt Construction, Inc.	18179	07/01/2017	mhamplini@sundt.com	480-293-3266
WSP, Inc.	18336	08/08/2016	hgallo@wspinc.net	623-434-5050

EPRISE Section 11.0

Business Engagement & Compliance Office



Pre-Award Submittals DBE Affidavits – Revisions to the form



- **DBE Intended Participation Affidavit Form 105C**
 - One for each DBE: contractor, trucker, broker, supplier, manufacturer
 - List NAICS code - DBE is certified in the NAICS code for work the DBE will be performing on the project
 - List Bid Item numbers (leave blank if no bid item number)
 - DBE Affidavit amount cannot be higher than the prime's bid price for that item

EPRISE Section 14.0

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Pre-Award Submittals

DBE Affidavits – Revisions to the form



- **DBE Intended Participation Affidavit Form 105C**
 - Work included in a force account item cannot be listed on the DBE Intended Participation Affidavit
 - Trucking – List number of trucks owned and to be used by DBE on the project
 - DBE Subletting work
 - Form includes the DBE Confirmation/Signature
- Instructions for completing form on second page

EPRISE Section 14.0

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Pre-Award Submittals

DBE Affidavits – Revisions to the form

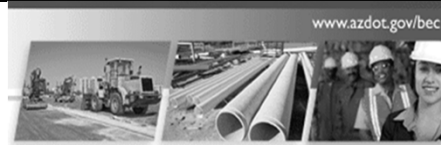


- **DBE Intended Participation Affidavit – Summary Form 106C**
 - Identify required DBE goal
 - Prime AZUTRACS Registration Number
 - DBE Liaison's Name
 - Identify all DBEs utilized to meet goal
 - Calculate percentages to two decimal places
- Instructions for completing form on second page

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Pre-Award Submittals GFE



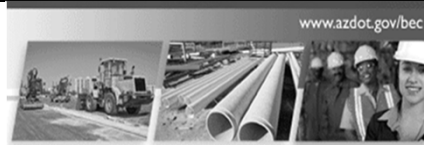
- If a Prime indicates that it will not meet the DBE goal on a contract, it must submit GFE documentation to BECO within the 7th calendar day after bids are opened
 - GFE Submission should be in accordance with items in Section 15.01 of DBE specifications
 - Submission will be evaluated based on the 9 items listed

Pre-Award Submittals GFE



- Prime must not reject DBE because its quotation wasn't the lowest
 - However, Prime is not required to accept unreasonable quotes
 - All quotes (DBE & non-DBE) must be retained by Prime
 - Quotes must be submitted with GFE when a non-DBE was selected over a DBE for work on the contract

Pre-Award Submittals GFE Appeal



- Bidders rejected for not meeting GFE requirements may meet in person with the State Engineer to appeal GFE determination
- Project awards made by State Transportation Board are not subject to administrative appeal to USDOT



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Post-Award Payment Reporting



All requirements Included in 109PAY and 109RET (federal and non-Federal)

- Enter all “Reportable Contracts” in the ADOT DBE System
- **Reportable Contracts** means:
any subcontract, of any tier, DBE or non-DBE, by which work shall be performed on behalf of the contractor and any contract of any tier with a DBE material supplier.

109PAY/RET

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Post-Award Payment Reporting



All requirements Included in 109PAY and 109RET (federal and non-Federal)

- Reportable Contracts must be entered into ADOT DBE System:
 - No later than 15 calendar days after preconstruction conference
 - Contractor will enter information in the **Subcontractor** tab in the DBE System
 - Any additional subcontract shall be added within 5 days of ADOT approval

109PAY/RET

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Post-Award Payment Reporting



All requirements Included in 109PAY and 109RET (federal and non-Federal)

- Payments must be reported by prime contractors and subs with lower-tiers:
 - No later than the 15th of the month for the prior month
 - If no payment made, zero dollar value must be entered
 - Use *Comments* section to explain why invoices weren't fully paid or any other issues concerning payment



- Resolve payment discrepancies with subs

109PAY/RET

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Post-Award Payment Reporting (continued)



- Subcontractor Payment Verification
 - Must be completed by subcontractors by the last day of the month
 - Contractor shall actively monitor DBE System to ensure verifications were completed
 - If subcontractors do not verify payments within 45 days of Prime reporting payment, ADOT will accept that prompt payment was made



Post-Award Payment Reporting (continued)



- The key is to report payments monthly!
- If payments are reported, and primes encourage subs to verify payments, contractor will be in compliance



Post-Award Sanctions for Inadequate Reporting



If payments are not reported monthly, the following sanctions will apply:

- \$1000 retained (Liquidated damages)
 - deducted each month for each reportable contract the contractor fails to submit payment information for
- \$2000 retained (Liquidated damages) after 90 consecutive days of non-reporting
 - Deducted each month for each reportable contract that contractor fails to submit payment information for



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Post-Award Prompt Payment



- Partial Payment
 - Monthly estimate to be signed by ADOT and contractor
- Retention
 - Since ADOT contracts do not provide for retention—subcontracts cannot provide for retention
- No Set-offs
 - Cannot reduce or withhold payments from subcontractor for disputes on another contract
- Partial and Final Payment
 - Paid to subcontractors within 7 calendar days of payment from ADOT

109PAY/RET

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Post-Award Prompt Payment



- The key is to promptly pay subcontractors within 7 calendar days of payment by ADOT!
- If payments are made promptly, contractor will be in compliance



Post-Award Sanctions for Prompt Pay Non-Compliance



Liquidated Damages

- Two times the dollar amount not paid to each subcontractor
- If full payment is made within 30 days of the Department's payment to the contractor, the amount withheld will be released
- If full payment is made after 30 days of the Department's payment to the contractor, will release 75 percent of the funds withheld
 - 25 percent of the monies withheld as liquidated damages

Post-Award Sanctions for Prompt Pay Non-Compliance



➤ Egregious prompt payment non-compliance is defined as:

- 3 consecutive months of failure to pay subs promptly
- 4 months of not paying promptly over the course of a single project
- Sanctioned for prompt pay issues on 2 or more projects in a 24 month time period

Post-Award Sanctions for Prompt Pay Non-Compliance



➤ Remedies for egregious lack of prompt payment can include:

- Withhold monthly progress payments until payments made
 - Terminate contract for default
 - Disqualify from future bidding (temporarily or permanently)
- Assessed by State Construction and Material Engineer
- Decision can be appealed to the State Engineer's Office within 15 calendar days of decision by State Construction and Material Engineer

Post-Award Loss of DBE Eligibility



If a DBE is deemed ineligible, decertified or suspended and **Contract is not Executed**:

- Ineligible DBE does not count toward contract goal
- Prime must meet goal with eligible DBE firm(s) or, demonstrate good faith effort

EPRISE Section 18.03

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Post-Award Loss of DBE Eligibility



If a DBE is deemed ineligible, decertified or suspended and **the Prime Contract is Executed, but Subcontract is Not Executed**:

- Ineligible DBE does not count toward contract goal
- Prime must meet goal with eligible DBE firm(s) or, demonstrate good faith effort

EPRISE Section 18.03

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Post-Award Loss of DBE Eligibility



If a DBE is deemed ineligible, decertified or suspended and **the Prime Contract is Executed, and the Subcontract is Executed:**

- Ineligible DBE continues to count toward contract goal
- Does not count toward ADOT's overall annual goal

EPRISE Section 18.03

Post-Award DBE Prime Contractors



- A DBE firm bidder is responsible for meeting the DBE goal on the contract or making good faith efforts to meet the goal, just like any other bidder
- The DBE bidder shall list itself along with any DBE subcontractors and suppliers, on the DBE Intended Participation Affidavit and Summary in order to receive credit toward the DBE goal.

EPRISE Section 18.02

Post-Award Commercially Useful Function (CUF)



- A prime contractor can get credit toward the DBE goal only if the DBE performs a “Commercially Useful Function (CUF).”
- A DBE firm performs a CUF when it is:
“Responsible for execution of the work of the contract or a distinct element of the work...by actually performing, managing, and supervising the work involved.”
- *“CUF begins at the time of Contract Award”*

EPRISE Section 18.06

Post-Award Commercially Useful Function (CUF)



- DBE firm must perform at least 30 percent of its contract using its own employees, equipment, materials and resources
- All DBE work performed counts toward the DBE goals.
- Work subcontracted to non-DBE firms does not count towards the goal.

EPRISE Section 18.06

Post-Award Commercially Useful Function (CUF)



- The Department will determine if a firm is performing a CUF
- Project site visits will be conducted to confirm DBEs are performing CUF
- Department will make every effort not to disrupt work on the project

EPRISE Section 18.06

Post-Award Commercially Useful Function (CUF)



- The Department will notify the contractor, in writing, if it determines that the contractor's DBE subcontractor is not performing a CUF
- The contractor will be notified within seven calendar days of the Department's decision
- CUF Decisions may be appealed to the State Engineer

EPRISE Section 18.06

Post-Award Commercially Useful Function (CUF)



A trucking firm

- It must oversee the entire portion of the work it is committed to perform and use at least one of its own trucks
- When these conditions are met, the portion of services provided using the firm's truck plus any fees for leasing additional trucks count toward the goal
- The value of services performed with leased trucks can also count depending on the situation
 - For example, when another DBE firm provides leased trucks, the contractor can count the entire value. However, a contractor can only count non-DBE trucks up to the number of the DBE trucks used

Post-Award Commercially Useful Function (CUF)



A trucking firm

- A DBE trucking firm may lease trucks without drivers from a non-DBE truck leasing company. If the DBE leases trucks from a non-DBE leasing company and uses its own employees as drivers, it is entitled to credit for the total value of these hauling services



Post-Award Effects of Contract Change



1. Contractor should immediately notify the Engineer and BECO
2. Continue to make a Good Faith Effort to meet DBE goal
3. Not required to take work committed to another subcontractor and assign it to a DBE subcontractor in order to meet the committed DBE percentage
4. Additional work – give the DBE the opportunity to complete
5. Department will take into account who made change in determining if contractor met DBE goal



EPRISE Section 19.0

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Post-Award Race Neutral Participation



- Strongly encourage use of additional DBEs above the DBE goal requirement
- Less administrative requirements – no affidavits or GFE required
- DBEs are treated as any other subcontractor on the project.



EPRISE Section 20.0

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Post-Award

Required Provisions for DBE Subcontracts



All subcontracts shall include, as a physical attachment, DBE Subcontract Compliance Assurances (provided on BECO website)

- Assurances of Non-Discrimination
- DBE Payment Reporting
- Crediting DBE Participation
- Effect of Loss of DBE Eligibility
- Notify the Contractor of DBE certification status
- CUF
- Effect of Contract Changes

EPRISE Section 21.0

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Post-Award

Required Provisions for DBE Subcontracts



All subcontracts shall include, as a physical attachment, DBE Subcontract Compliance Assurances (provided on BECO website)

- Race Neutral Participation
- Required Provisions for DBE subcontracts
- Contract Performance
- Joint Checks
- DBE Termination/Substitution
- Certification of Final DBE Payments
- False, Fraudulent or Dishonest Conduct

EPRISE Section 21.0

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Post-Award Joint Checks



- Under specific conditions, a DBE subcontractor and supplier (material or equipment) may request permission for the use of joint checks for payments from the prime.
- BECO must approve the agreement in writing before any joint checks are issued
- The prime shall submit a DBE joint check request form, available from the BECO website, along with the joint check agreement, to BECO through email within seven calendar days from the time the subcontract is executed

EPRISE Section 23.0

Post-Award Joint Checks (continued)



- Copies of cancelled checks must be submitted electronically to BECO and made available for review at the time of the onsite CUF review
- The prime contractor, DBE, and supplier each have an independent duty to report to the Department in the case of any change from the approved joint check arrangement



EPRISE Section 23.0

Post-Award DBE Termination/Substitution



General Requirements:

- *The contractor shall make all reasonable efforts to avoid terminating or substituting a DBE listed on the DBE Intended Affidavit Summary*
 - Negotiate with DBE in good faith
 - Give timely notices and/or extend deadlines
 - Reasonable methods to resolve performance disputes must be applied and include documentation to ADOT before attempting substitution or termination

EPRISE Section 24.01

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Post-Award DBE Termination/Substitution



- The contractor shall not terminate a DBE listed on the Affidavit without ADOT's written consent
- Must contact ADOT within 24 hours of the first sign of potential termination/substitution
- The contractor shall not complete DBE work with its own forces or with a non-DBE firm without ADOT's written consent

EPRISE Section 24.02

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Post-Award DBE Termination/Substitution



Contractor Notice of Termination/Substitution

- Contractor to notify the DBE before request to ADOT for termination/substitution
 - Copy to BECO
 - DBE has five calendars days to submit written response to contractor

EPRISE Section 24.03

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Post-Award DBE Termination/Substitution



Contractor must submit to BECO:

- DBE Termination/Substitution Form
- DBEs written response
- Any other documentation

BECO considers:

- Contractor's request
- DBE's response
- Explanation/documentation
- Resident Engineer/Field Office documentation
- Good cause

EPRISE Section 24.03

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Post-Award DBE Termination/Substitution



What is Good Cause?

- Fails/refuses contract
- Fails/refuses to perform industry practice work
- Fails/refuses contractor's bond/insurance requirements
- DBE bankrupt, insolvent, exhibits credit unworthiness
- DBE suspended/debarred from public works projects
- Not a responsible contractor
- DBE voluntarily withdraws with written notice to ADOT
- Ineligible to receive DBE credit for type of work required
- DBE owner dies or becomes disabled resulting in inability to work

EPRISE Section 24.04

Post-Award DBE Termination/Substitution



➤ Good Faith Effort (GFE)

- Contractor's efforts to find a replacement DBE
- Contractor must provide to BECO within seven calendar days from request to terminate/substitute
- Required even when ADOT eliminates a work item

➤ Unacceptable GFE reasons:

- Unable to match original price
- Contractor able to perform work

EPRISE Section 24.05

Post-Award DBE Termination/Substitution



- Contractor to submit DBE Affidavits with new DBE to BECO for approval
- BECO must approve before new DBE starts work
- Obtaining prior approval before terminating/substituting DBE is essential to staying in compliance
- Failure to obtain ADOT prior approval will lead to sanctions

EPRISE Section 24.05

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Post-Award DBE Termination/Substitution Sanctions



Liquidated Damages for DBE termination/substitution non-compliance:

- The dollar amount of the wrongfully substituted/replaced DBE subcontract plus 25 percent of the amount remaining to be paid to the DBE
- This in addition to all other retention or liquidated damages provided for elsewhere in the contract



EPRISE Section 24.06

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Closeout

Certification of Final DBE Payments (COP)



- Contractor must submit COPs to Field Office no later than 30 days after the DBE completes work
- Form to be completed by the prime contractor & DBE subcontractor to indicate the total final dollar amount paid to each DBE firm on a project
- Contractor not released from obligations



EPRISE Section 25.00

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Closeout

Meeting DBE Goal



- Meeting DBE goal at the end of a project keeps contractor in compliance
- Suggest contractor use DBEs above contract goal to ensure goal is met if extenuating circumstances occur during project
- Department will take contractor GFE and all circumstances in consideration in determining if DBE goal was met
- Sanctions will be applied if DBE goal is not met at the end of project



EPRISE Section 26.00

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Closeout

Sanctions for not meeting DBE Goal

- LDs of two times the amount of the unattained portion of established DBE goal from monies due or becoming due to the contractor
- Decision made by State Construction and Materials Engineer
- Appeal can be made to State Engineer



EPRISE Section 26.00

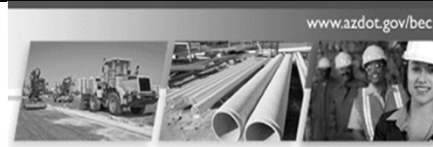
False, Fraudulent or Dishonest Conduct

Any appearance of fraud or dishonest conduct in working with DBEs will result in:

- USDOT being advised
- Referral to the Department of Justice for Criminal Prosecution
- Referral to USDOT Inspector General for possible suspension and department proceedings against offending parties
- Application of USDOT "Program Fraud and Civil Penalties" rules

EPRISE Section 27.00

ADOT Resources



Supportive Services

- Assistance to Contractors and DBEs
- Locating DBEs
- Assist in certifying potential DBEs
- Business Development Program
- Conferences, events, ADOT EXPO

ADOT Resources




References:

- [AZUTRACS](#)
- [ADOT DBE Program](#)
- [ADOT DBE FHWA Plan](#)
- [49 CFR Part 26](#)
- [History of the DOT Program](#)

Videos:

- [Federal Aid Essentials for Local Public Agencies Video Library](#)
- [DOT's Disadvantaged Business Enterprise Program](#)



Search (DBE) Firm Directory |

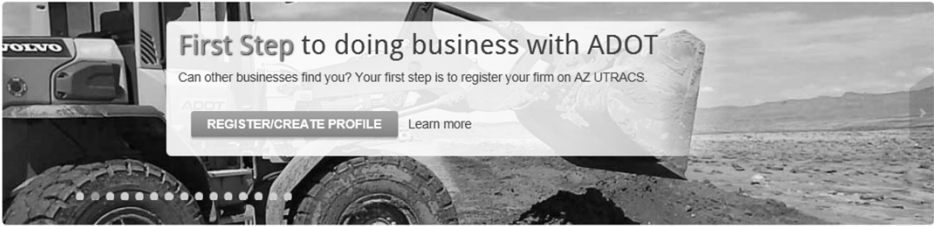
Log in

Home

Register / Renew

Contract Compliance

Tools / Resources




First Step to doing business with ADOT

Can other businesses find you? Your first step is to register your firm on AZ UTRACS.

REGISTER/CREATE PROFILE

Learn more



AZ UTRACS makes it easy to find qualified firms to bid on our projects all over Arizona—especially where we need certified DBE contractors to meet our federal requirements.

– ADOT's Prime Contractors and Consultants

Quick Login

- ☒ Log in to the ADOT DBE System
- ☒ Log in to ADOT LPA DBE System
- ☒ Log in to AZ UTRACS registration
- ☒ Log in to Online Bidders/Proposers List
- ☒ Log in to ADOT DBE Certification System
- ☒ Log in to PHX DBE Certification System
- ☒ Log in to Tucson DBE Certification System

Who Are You?

DBEs


SBCs

Sub's

Primes

ADOT

LPAs



Who Are You? (who who, who who)

AZ UTRACS Transportation Business Portal provides different resources for different types of firms. The Tabs above organize available content differently for each group, to ensure easy accessibility. Choose the appropriate tab that best represents your firm or group.

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* Firm Name

Marissa's Environmental Services

DBA Name

* Firm Business Description

Marissa's Environmental Services, Inc. was established in 1996 to provide natural resources and environmental consulting services, as well as permitting and certification assistance on projects throughout Arizona. Our staff has years of experience in project management, environmental permitting, water quality studies, restoration and mitigation design and general ecological support on a wide range of projects. We also provide project management services, construction oversight, and expert witness

* EIN

****8997

* Firm Type

Architect/Engineer

Website

* Primary Owner Ethnicity

Hispanic American

Why are these questions being asked?

* Primary Owner Gender

Female

* Year Firm Established

2005 (YYYY Format)

* Annual Gross Receipts Range

\$500,000 to \$1 million

* AZ Counties firm is willing to work in

Select All

Apache

Cochise

Coconino

Gila

Graham

Greenlee

La Paz

☐

☒

☐

☐

☐

☐

☐

☐

Maricopa

Mohave

Navajo

Pima

Pinal

Santa Cruz

Yavapai

Yuma

☐

☐

☒

☐

☐

☐

☐

☐

Firm Contact Information

The Primary and Secondary contacts are the only two individuals who can update the AZ UTRACS Registration. These Primary and Secondary contacts also provide other company users access to the Bidders/Proposers List.

Firm Primary Contact Information

* Contact/Owner First Name

Marissa

* Contact/Owner Last Name

Eskridge

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Construction Work Categories ▼

Click "Display All" and select all relevant work categories that your firm can perform. When finished, select "Display Selected Only" then "Save".

Choose carefully.

Work Category

Painting - Highway Related

Select

☒

Display All

☐

DBE Credit

☐

NAICS

Display Selected Only

☒

Work Category

Paving - Asphalt - Application

Select

☒

DBE Credit

☐

NAICS

Save Construction Work Categories

Goods And Services Work Category ▼

Please use this field to enter a 1-3 word description of your firm's primary work activity. Use the "Firm Description" field (above, under Firm Business Information) to further elaborate on your firm's work capabilities.

Work Category

Moss Lawns

Certification ▼

Are you DBE Certified?

Yes ☒

No ☐

Are you ACDBE Certified?

Yes ☒

No ☐

Congratulations you are automatically registered as a Small Business Concern (SBC) also! Review your Small Business Concern Registration data and update as needed.

If certified by a certifying company other than ADOT, please provide the Certifying Agency's Name, State and Next Renewal Date.

Certifying Agency

Home State

Next Renewal Date

Streamlined Dual SBC Registration (for those who qualify)

Small Business Concern Registration ▼

Are you SBC Registered?

Yes ☒

No ☐

Primary Work Activities of Firm

Primary NAICS Code

Business Type

Corporation ☒

Number of Employees

0

Gross Receipt Prior Year 1

0.00

Business Engagement & Compliance Office

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Firm Search

Quick DBE Search

Quick SBC Search

Quick ACDBE Search

Search Criteria

Firm Name/DBA

Business Description

Contact First Name

Contact Last Name

City

State

All

ZIP

Search

Clear Search

☒ DBE

☐ SBC

☐ ACDBE

County firm is willing to work in

Greenlee

Firm Type

All

Gender

All

Ethnicity

All

Professional Work Category

All

Construction Work Category

Asphalt Paving Haul

Goods And Services

Search Results

EXPORT TO EXCEL

17 Firms matched this criteria.

Firm Profile	Firm Name	Email Address	Phone Number	City	State	UTRACS #	Expiration Date	DBE	SBC	ACDBE
Profile	A & S Paving, Inc.	paver@qwestoffice.net	520-434-9223	Tucson	Arizona	10008	06/29/2019	Yes	Yes	No
Profile	All Rock Supply, Inc.	louis@allrocksupply.net	480-288-1458	Apache Junction	Arizona	15121	06/22/2019	Yes	Yes	No
Profile	Amazon Masonry, Inc.	Sandra@amilv.com	702-248-4866	Las Vegas	Nevada	15032	06/22/2019	Yes	Yes	No
Profile	Arizona Heat Contracting, Inc.	mvim18@msn.com	602-369-4722	Peoria	Arizona	11369	06/27/2019	Yes	Yes	No
Profile	Benson Construction & Trucking, Inc.	Joan.BensonTrucking@gmail.com	435-623-4734	Mona	Utah	15220	06/22/2019	Yes	Yes	No
Profile	Commercial Transport	headleygeorge@aol.com	408-595-5515	SAN JOSE	California	14675	06/22/2019	Yes	Yes	No
Profile	Davis Freight Management, Inc.	wendy.davisfrt@verizon.net	716-902-4244	Alden	New York	10251	06/27/2019	Yes	Yes	No

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Huston Environmental Services

AZUTRACS Firm Profile

Firm Information ▼

Firm Name: Huston Environmental Services
Firm Website: <http://www.hustonenvironmental.com>
Firm Address: 16412 S. 30th Avenue
 Phoenix, Arizona 85045
Firm County Location: Maricopa
Firm Work Territory: View Map
Primary Contact: Kellie Huston
Firm Phone: 480-216-8291
Firm Email: khuston@cox.net
Secondary Contact:
Secondary Phone:
Secondary Email:

Firm Description ▼

Huston Environmental Services, LLC (Huston Environmental) is a woman-owned environmental consulting business with more than 30 years experience. Huston Environmental personnel are experienced Senior Managers located in the Phoenix Metropolitan area. While our business is primarily concentrated in the Phoenix market, we do provide consulting services throughout the U.S. and Mexico for our portfolio clients.

Firm Registrations and Certifications ▼

AZ UTRACS Number: 10522
AZ UTRACS Renewal Date: 6/30/2019
DBE Certified: Yes
ACDBE Certified: No
SBC Certified: Yes
Certified Naics Codes: 541330, 541620, 562910

Firm Capabilities ▼

Work Category Name	DBE Credit	NAICS	Work Category Name	DBE Credit	NAICS
Air Quality	Yes	541620	Environmental Planning	Yes	541620
Biological Consulting			Environmental Remediation Services	Yes	562910
Dust Control			Lead and Asbestos Abatement	Yes	562910
Environmental Data Analysis and Reporting			Lead and Asbestos Abatement - Buildings	Yes	562910
Environmental Documents (CE, EA, and or EO)	Yes	541330	Natural Resources (vegetation, EA, EO, Materials, etc.)	Yes	541620
Environmental Impact Statement (EIS)	Yes	541330	Septic Tanks & Systems		
Environmental Mitigation Compliance	Yes	541620	SWPPPs and Dust Control	Yes	541620

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Marissa's Test Firm (Active)

AZUTRACS Bidders List

Bidders List

☒ Create New ☐ Copy From Existing Bidders List
 B0F3107 WILLIAMS,I-40-B M.P. 165.5



Please select an AZ UTRACS Registered Firm

Please add all firms who expressed an interest in or submitted a quote, bid, or response for this project.

Please select a Firm to add.

If a Firm is not yet AZ UTRACS Registered, add the firm information here. ADOT will send them a reminder to get AZ UTRACS Registered in the future.

Firm Name Email Address Phone Number

My Bidders List

Project: B0F3107 - WILLIAMS,I-40-B M.P. 165.5

Registered Bidders

	Firm Name	AZUTRACS Number	Expiration Date	Email	Phone
<input type="button" value="Remove"/>	Premier Engineering Corporation	10885	06/30/2019	cg@pre-engr.com	480-829-6000
<input type="button" value="Remove"/>	AECOM Technical Services 01	10053	06/29/2019	deanna.bomholt@aecom.com	602-337-2700
<input type="button" value="Remove"/>	FNF Construction, Inc.	10400	06/30/2019	dgermann@fnfinc.com	480-784-2910
<input type="button" value="Remove"/>	Ames Construction	15271	06/30/2019	LauraCameron@amesco.com	602-431-2111
<input type="button" value="Remove"/>	1st Resource Solutions, LLC	10001	06/27/2019	jerry@1stresourcesolutions.com	

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AZUTRACS - Bidder's List Confirmation



K&B Consultants has submitted a Bidder/Proposer list for T002001C – 32nd Street - AVE 8.5E to Ave 3E on 06/13/2016.

Bidders/Proposers for this firm included:

Firm Name	AZUTRACS Number	Expiration Date	Email Address	Phone Number
About Blind Cleaning, Inc.	19023	06/06/2019	blindcleaningarizona@gmail.com	602-404-7250
AM Safety LLC.	19545	06/06/2017	amoreno1116@yahoo.com	623-205-2378
Ames Combs Joint Venture	18290	12/01/2017	bryanmueller@amesco.com	602-431-2111
Fann Contracting, Inc.	18817	01/08/2017	inquiry@fanncontracting.com	928-778-0170
Huston Environmental Services	18750	06/17/2017	krhuston@cox.net	480-216-9291
Premier Engineering Corporation	18064	06/09/2019	cg@pre-engr.com	480-829-6000
Saturn Concrete Construction, LL	18671	01/31/2017	info@saturnconcrete.com	623-261-4772
Sundt Construction, Inc.	18179	07/01/2017	mltamplin@sundt.com	480-293-3266
WSP, Inc.	18356	08/08/2016	bgallimore@wspinc.net	623-434-5050

IMPORTANT NOTE: New 5 Digit AZUTRACS Numbers

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Questions and Answers



Business Engagement & Compliance Office

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SECTION 2

Disadvantaged Business Enterprise Program Program Overview



Business Engagement and Compliance

www.azdot.gov/bec



Federal Highway Administration
Federal Transit Administration
Federal Aviation Administration

History

The DBE Program evolved from Title VI of the U.S. Civil Rights Act of 1964 prohibiting discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance.

In 1983, the U.S. DOT created the DBE Program to level the playing field for minorities and women in transportation opportunities. The program continues today.

Latest rulemaking provided administrative changes and clarifications in 2014.

Disadvantaged Business Enterprise (DBE)*

Company certified by a DOT-recipient as a small business, owned and controlled by minorities and/or women with personal net worth below \$1.32 million.

Eligibility

- Small, for profit business
- Owned 51% or more by social- and economic-disadvantaged individual(s)
- Controlled by social- and economic-disadvantaged individual(s)

* Specific rules apply

ADOT receives FHWA, FTA, and FAA federal funds and is required to have a Disadvantaged Business Enterprise (DBE) Program under 49 CFR Part 26.

ADOT Program Goals

1. Ensure nondiscrimination in federal-aid contracting
2. Create a level playing field for DBEs to fully compete on federal aid contracts
3. Narrowly tailor the program to Arizona
4. Certify eligible DBEs for participation in the program
5. Remove barriers for DBE on federal-aid opportunities
6. Promote the use of DBEs in all types of federally assisted contracts and procurement activities
7. Assist DBEs to compete successfully outside of the program

ADOT Responsibilities

- Set triennial goals based on DBE availability
- Develop plans for meeting the FHWA, FTA, and FAA goals
- Ensure compliance by subrecipients, local public agencies, and contractors
- Report progress towards goals

Activities Include:

- Assessing FHWA-assisted projects for contract goals
- Evaluating DBE eligibility, participation, and commercially useful function
- Measuring goal attainment and good faith effort
- Implementing DBE Supportive Services Program
- Providing technical assistance

ADOT DBE GOALS



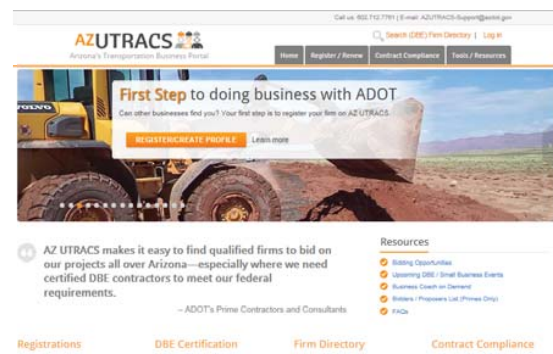
Funding Agency	Federal Fiscal Timeframe	Overall Proposed Goal	Race/Gender Conscious % (Contract Goals)	Race/Gender Neutral % (Small Business Programs and other Efforts)
FHWA	2015 – 2017	8.90%	3.90%	5.00%
FTA	2016 – 2018	7.25%	N/A	7.25%
FAA	2017 – 2019	4.87%	N/A	4.87%

Good faith effort to include DBE firms in federal-aid projects, regardless of contract goals, helps ADOT meet its overall annual goals.

Program Tools

- www.AZUTRACS.com
- DBE Payment Reporting System
- DBE Supportive Services Program
- Project Goal Setting Worksheets
- Federal contract documents
- Eprise and Forms
- Technical assistance and training

www.AZUTRACS.com



ADOT's designated DBE Liaison Officer (DBELO) is the Manager of Business Engagement & Compliance Office.

- Implements all aspects of the DBE program
- Ensures compliance with all provisions 49 CFR Part 26
- Has direct and independent access to the ADOT Director

For assistance finding DBE firms, contact the ADOT Business Engagement and Compliance Office:

(602) 712-7761

DBE UCP Partners



AZUTRACS

<http://www.AZUTRACS.com>

- A statewide directory of ready, willing, and available firms
- DBE Directory
- Small Business Concern Registry



RESOURCES

ARIZONA DEPARTMENT OF TRANSPORTATION

BUSINESS ENGAGEMENT AND COMPLIANCE OFFICE

Disadvantaged Business Enterprises (DBE) Good Faith Efforts (GFE) Guide For Construction Projects

For use in bidding federally funded Arizona Department of Transportation (ADOT) projects subject to the Disadvantaged Business Enterprises (DBE) Program.

The purpose of the GFE Guide is to help Bidders understand the type of documentation that is required if the Bidder has indicated on the *DBE Assurance Form* that the goal will not be met. GFE documentation must be submitted within seven (7) calendar days following the bid opening. Failure to submit good faith effort documentation within the required time period will render the bid non-responsive.

For questions about this guide or any components of the DBE Good Faith Effort, please contact the ADOT Business Engagement and Compliance Office (BECO) at (602) 712-7761 or ContractorCompliance@azdot.gov.

DISADVANTAGED BUSINESS ENTERPRISES GFE GUIDE

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SECTION 1.0 PURPOSE

This guide contains suggested information and forms bidders can use to help prepare good faith effort documentation. Good faith efforts must be performed well in advance of bid opening.

1.01 CRITICAL INITIAL GFE REQUIREMENTS

1. **CONTACT BECO FOR ASSISTANCE** - As soon as the bidder is aware it is unable to meet the goal, the bidder must contact BECO for assistance. Any solicitations made to interested DBEs must be done no less than ten (10) calendar days prior to bid opening.
2. **DO NOT CHANGE POSITION AFTER BID PROPOSAL** – If the bidder certifies that it has been unable to meet the goal and has made a good faith effort, the bidder cannot change its position after submission of the bid and claim to have met the established goal.

As specified in *Section 13.0 Submission with Bids* of the Disadvantaged Business Enterprises (DBE), Contract Special Provisions (EPRISE, 07/01/16), all Bidders shall submit information to demonstrate that good faith efforts to meet the DBE goal has been made if their *Disadvantaged Business Enterprise Assurances* certificate (Section 4.01 Exhibit A) indicates that the DBE goal will not be met.

1.02 GFE DOCUMENTATION REVIEW

All Bidders are encouraged to consider this GFE Guide. Reviews of GFE documentation will focus on items identified in Section 5.0 of this guide. The items in Section 5.0 are not intended to be an exclusive or exhaustive checklist. Other factors or types of efforts documented shall be relevant in appropriate cases.

SECTION 2.0 GOOD FAITH EFFORT SUBMITTAL

2.01 GFE SUBMISSION

The bidder may submit its documentation one of three ways:

1. Hard copy to: Business Engagement & Compliance Office
1801 W. Jefferson St. Ste. 101 (MD 154A)
Phoenix, AZ 85007
2. Fax to: (602) 712-8429
3. Email to: contractorcompliance@azdot.gov – Please be sure that all emails reach its destination by 4:00 PM of the final submission day (usually 7 days after bid opening). **Emailed documentation received after 4:00 PM will not be included in the GFE review.**

2.02 GFE LETTER

The letter should include the following information:

- Project Name
- Project TRACS Number
- Federal Project Number
- Name of person submitting documentation
- Phone Number
- Signature
- Company Name
- Street Address
- City, State, Zip Code
- Telephone number
- Fax number
- Email address
- Contact Person
- Contact Person's Telephone Number

The letter should include an overview of good faith efforts and any necessary explanations of the documentation submitted.

SECTION 3.0 DBE GOAL NOTICE

3.01 NOTICE TO BIDDERS

The DBE goal is project-specific and is listed in the “Notice to Bidders.”

In the Notice to Bidders:

THIS IS A FEDERAL AID CONTRACT. THE DISADVANTAGED BUSINESS ENTERPRISE (DBE) CONTRACT GOAL IS [X.XX %]. YOU MUST MEET THIS DBE GOAL AND/OR PROVIDE ADEQUATE GOOD FAITH EFFORT DOCUMENTATION AS OUTLINED IN THESE SPECIAL PROVISIONS. TO COMPLY WITH ADOT’S DBE PROGRAM GOOD FAITH EFFORT, THE BIDDER MUST TAKE CERTAIN ACTIONS A MINIMUM OF FIFTEEN (15) DAYS PRIOR TO BID OPENING.

All Good Faith Effort documentation must be received by BECO no later than 4:00 P.M. on the seventh calendar day following the bid opening.

Failure to submit good faith effort documentation within the required time period will render the bid nonresponsive. Refer for specific bid requirements to the Disadvantaged Business Enterprises (DBE), Contract Special Provisions (EPRISE, 07/01/16)

For Good Faith Effort assistance, please contact BECO at (602) 712-7761 or email ContractorCompliance@azdot.gov.

SECTION 4.0 DBE ASSURANCE CERTIFICATE

4.01 EXHIBIT A

This form is included in the electronic bid documents and shall be completed and submitted as part of the bid submittal. The form is used to identify if a Bidder can or cannot meet the DBE goal required on the contract. Bids submitted with altered, incomplete or unsigned form will be considered nonresponsive.

DISADVANTAGED BUSINESS ENTERPRISE ASSURANCE	
<p>The undersigned, fully cognizant of the requirements and of the goal established, hereby certifies that in the preparation of this bid for federal aid project</p>	
Project No: _____	<div style="border: 1px solid black; padding: 10px; display: inline-block;">Exhibit A</div>
Project Name: _____	
(CHECK ONE)	
<p>_____ The established goal for DBE participation will be met and agreements have been made with certified DBEs, or</p>	
<p>_____ The bidder has been unable to meet the goal prior to the submission of the bid and has made good faith efforts to do so.</p>	
<p>THIS AFFIDAVIT MAY NOT BE REVISED OR CORRECTED AFTER SUBMISSION OF THE BID.</p>	
<p>In accordance with the Special Provisions, the bidder shall specify its DBE participation on the "DBE Intended Participation Affidavit", or provide documentation of its good faith efforts, by 4:00 p.m. on the fifth working day following the bid opening. The apparent low bidder shall obtain the required affidavit from the Business Engagement & Compliance Office, 1135 N. 22nd Avenue (second floor), Phoenix, AZ, 85009, following the opening of bids.</p>	
_____ Print Name of Firm	
_____ Print Name of Authorized Officer of Firm	
_____ Signature of Authorized Officer of Firm	
_____ Title	

SECTION 5.0 GOOD FAITH EFFORTS

GFE documentation, identified herein, to be provided by Bidders as part of Good Faith Effort will assist ADOT and its Subrecipients/Subgrantees/Local Public Agencies (LPAs) in determining whether the Bidder has performed its due diligence, took all necessary and reasonable steps to secure DBE participation for the contract pursuant to DBE Contract Special Provisions (EPRISE 07/01/16), *Section 15.0 Documented Good Faith Effort* and [Appendix A to Part 26](#). BECO will review the GFE documentation and will recommend to the State Engineer whether the Bidder has made satisfactory good faith efforts to secure sufficient DBE participation to meet the contract goal. The Business Engagement and Compliance Office will make the final determination of Bidder's meeting (or not meeting) the GFE requirements.

The burden of proof rests with the Bidder.

The following sections are a restatement of the Good Faith Efforts outlined in *Section 15.0 Documented Good Faith Effort* of the DBE Special Provisions (EPRISE 07/01/16). Additional guidance over what is outlined in the provisions is provided herein, along with documentation examples.

The types of actions Bidders take and the documentation necessary to establish good faith efforts to meet the DBE goal can include, but not limited, to the following activities (Sections 5.01, 5.02, etc.).

5.01 CONTACT BECO IF UNABLE TO MEET DBE GOAL

Purpose: To communicate with BECO prior to the submission of bids, either by e-mail, telephone, or any other communication avenue to inform BECO of the firm's difficulty in meeting the DBE goals on a given project, and request assistance.

Action: Contact BECO at the first indication of not being able to locate DBEs for a specific project. The bidder must document its contact with BECO, indicate the type of contact, the date and time of the contact, the name of the person(s) contacted, and any details related to the communication. The contact must be made in sufficient time before bid submission to allow BECO to provide effective assistance.

The bidder will not be considered to have made good faith efforts if the bidder failed to contact BECO.

Document and retain all communications (e.g., phone, fax, email, mail) conducted with BECO staff.

SECTION 5.01		CONTACT BECO		EXAMPLE
--------------	--	--------------	--	---------

Occurrence	Date	BECO Staff Name or Email	Bidder's Contact Name	Comment
1.				
2.				
3.				

5.02 SOLICIT THROUGH ALL REASONABLE AND AVAILABLE MEANS

Purpose: To identify all reasonable and available activities the Bidder performed to solicit the interest of all certified DBEs who have the capacity and ability to perform work on the project.

Action: Identify and list all activities the Bidder engaged in to solicit DBEs using all reasonable and available means.

Bidder's GFE Documentation:

- 1) Provide a list of activities performed to solicit DBEs.
- 2) Identify and **provide documentation**:
 - a. Activity undertaken, such as:
 - ☐ advertising – copies or print screens of online project advertisement (See *Section 5.03 Selecting Portions of Work* for example of an advertisement),
 - ☐ pre-bid meeting sign-in sheets,
 - ☐ business matchmaking meetings or events – proof of attendance,
 - ☐ written notice(s) sent – letters, fax or emails to DBEs,
 - ☐ any other market research conducted to identify and solicit DBE contractors and suppliers
 - b. Date action was taken;
 - c. Name of DBEs that showed interest;
 - d. Date of Bidder's follow-up with the interested DBEs

SECTION 5.02	SOLICITING	EXAMPLES
--------------	------------	----------

Bidder Activity (Advertising, Pre-bid meeting, business event, written notice, etc.)	Date	Name of DBE(s) Interested	Date Bidder Follow-up

Example of Written Notice with Fax Transmittal

HP LaserJet 3100
Printer/Fax/Copier/Scanner

SEND CONFIRMATION REPORT for
ABC Construction Company
623-321-7655
January – 29 – 13 2:34 PM

Job	Start Time	Usage	Phone Number or ID	TYPE	Pages	Mode	Status
542	1/29 2:34pm	0'35"	19257484577	Send	1/1	EC144	Complete

ABC Construction Company
123 Main Street
Anytown, CA 98765
925-321-7655 Fax: **925-321-7655**

abcconstruction@aol.com

INVITATION TO BID

January 29, 2013

The Electric Shop
1210 Cedar Avenue
Pleasanton, CA 94588

Telephone: 925-748-1327
Fax: 925-748-4577

ABC Construction Company is seeking quotes from qualified MBE/WBE/SBE/OBE/LBE/DVBE businesses and invites your bid/quote on the following listed project/contract:

Project: El Sobrante Area Overlays/Pavement Replacement, El Sobrante, CA
Approx. Value: \$2,415,218
No. of Working Days: 60
Owner: Contra Costa County Bids Due: 2-10-13 @ 2 pm

Seeking all trades including but not limited to: earthwork, asphalt, concrete, rebar, fencing, electrical, fire protect, lath/plaster/drywall, structural steel, mechanical, sheet metal, insulation and other related trades.

We are an equal opportunity employer and intend to seriously negotiate with qualified DBEs for project participation. For assistance in obtaining bonds, lines of credit, and/or insurance please contact Roger Smith. Plans, specifications and requirements for the project are available for review at our office or at the Contra Costa County Public Works Dept. 255 Glacier Drive, Martinez, CA, 94553 and are available online at www.cccounty.us/pwprojects. Please contact us at the above listed number for further information regarding bidding on this project.

Please fax your response to: Rodger Smith at 925-321-7655

We will be bidding Yes _____ No _____

Sincerely,

Rodger Smith
ABC Construction Company

5.03 SELECTING PORTIONS OF WORK

Purpose: To ensure work items are broke out into economically feasible units to facilitate DBE participation, even when the prime contractor might otherwise prefer to perform these work items with its own forces.

Action: Identify economically feasible work units to be performed by DBEs

Bidder's GFE Documentation

1) Identify documentation of the following:

a. Activity undertaken, such as:

- ☐ List of work items needed to be performed,
- ☐ Breaking large work tasks into partial work items (smaller tasks or quantities),
- ☐ Flexible time frames for performance and delivery schedules

SECTION 5.03	SELECTING PORTIONS OF WORK	EXAMPLE
--------------	----------------------------	---------

Posted in Arizona Builder Exchange website on January 15, 2014

ABC Construction Company is requesting sub-bids from qualified DBE subcontractors, suppliers, manufacturers & truckers for: ADOT Phoenix, AZ

Project: Broadway Area Infrastructure Program Phase 3.A
Project#: 0662-GR4141-02
Engineer Est.: \$450,000
No. Working Days: 30
Bid Due Date: 2/10/14 at 2 pm

For the following (but not limited to) work items:

- traffic control,
- construction area signs,
- trucking,
- hazardous materials removal,
- grinding,
- striping,
- electrical,
- asphalt, concrete,

If you are interested in bidding on this work or know someone who is, please contact Steve @ 623-321-7654, Fax: 623-321-7655 or email steve@Mail.com

Plans, Specs, and Requirements for the project are available for review at our office in Anytown or at the ADOT, Phoenix AZ and are available at: <http://www.azdot.gov/projects/Projects>.

For assistance in obtaining bonds, lines of credit, and/or insurance for this project, please contact Steve at the noted phone number.

ABC Construction Company
123 Main Street Anytown, AZ 85009

Contact: Steve
Phone: 925-321-7654
Fax: 925-321-7655
steve@Mail.com

5.04 PROVIDE INTERESTED DBES WITH PROJECT INFORMATION

Purpose: To provide interested DBEs with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist DBEs in responding to solicitations.

Action: Provide DBEs access to plans, specifications and other contract requirements in a timely manner prior to bid solicitation

Bidder's GFE Documentation:

- 1) Identify in writing and provide documentation of the following:
 - ☐ What types of project information did DBEs have access to prior to bid?
 - ☐ How were DBEs informed of the availability of project information?
 - ☐ When were they notified they had access to project information?
 - ☐ Provide copies of advertisements that may explain the above information,
(See *Section 5.03 Selecting Portions of Work* for an advertisement example that informs firms of where project plans are located)
 - ☐ Provide screen shots of steps in accessing project information online –screenshots must identify project numbers and/or descriptions

5.05 NEGOTIATE IN GOOD FAITH WITH INTERESTED DBES

Purpose: To ensure that negotiations with interested DBEs were made in good faith by providing evidence as to why additional agreements could not be reached for DBEs to perform work. It is the bidder's responsibility to make a portion of the work available to the DBE subcontractors and suppliers, and to select those portions of work or material needs consistent with the available DBE subcontractors and suppliers, so as to facilitate DBE participation.

Action: Provide evidence that good faith negotiations took place with interested DBEs.

Pro forma mailings to DBEs requesting bids are not alone sufficient to constitute good faith efforts.

A bidder using good business judgment would consider a number of factors in negotiating with subcontractors, including DBE subcontractors, and would take a firm's price and capabilities as well as contract goals into consideration. However, the fact that there may be some additional costs involved in finding and using DBEs is not in itself sufficient reason for a bidder's failure to meet the DBE goal, as long as such costs are reasonable. Also, the ability or desire of a prime contractor to perform the work of a contract with its own organization does not relieve the bidder of the responsibility to make good faith efforts. However, prime contractors are not required to accept higher quotes from DBEs if the price difference is excessive or unreasonable.

Another practice considered an insufficient good faith effort is the rejection of the DBE because its quotation for the work was not the lowest received. The bidder must submit copies of each DBE and non-DBE subcontractor quote submitted to the bidder when a non-DBE subcontractor was selected over a DBE for work on the contract. The Department will review whether DBE prices were substantially higher and contact the DBEs listed on a contractor's solicitation to inquire as to whether they were contacted by the prime contractor. However, nothing in this paragraph shall be construed to require the bidder or prime contractor to accept unreasonable quotes in order to satisfy contract goals.

Bidder's GFE Documentation:

- 1) Identify DBEs that were considered for negotiations and include the following information:
 - a. Name of each business;
 - b. Telephone number of each business;
 - c. Contact person name negotiated with;
 - d. A description from the plans and specifications of work selected for subcontracting
- 2) Provide documentation of the following:
 - ☐ **ALL** Quotes from DBEs
 - ☐ **ALL** Quotes from non-DBEs that were considered alongside DBE firms

SECTION 5.05	NEGOTIATE IN GOOD FAITH	EXAMPLE
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NEGOTIATIONS LOG EXAMPLE

ABC Construction Company
Contact List
Discovery House Facility

Negotiations Made By
Rodger Smith

Only List DBEs

Name of Business	Address	Telephone Number	Contact Person	Task Description	Quotes Rec'd?	Considered for project?
Arrow Landscape	567 James St. Anytown, AZ	602-727-4915	Andrew Lang	Erosion Control & Seeding	Yes	No
Bear Valley Contractors	25 Teal St. Anytown, AZ	520-282-3404	Todd Lewinsky	Sidewalk, Curb & Gutter	No	No
B&C Fence Company	456 Apple Dr. Anytown, AZ	480-578-5026	Dorothy Smith	Fencing	Yes	Yes
Delta Cement Co.	10 Banks Ave. Anytown, AZ	623-297-5666	Bob Valentine	Material Supplier	Yes	No
Ebarra Landscape Services, Inc.	345 Ortiz Rd. Anytown, AZ	623-451-2105	Troy Torres	Erosion Control & Seeding	No	No
Flores Grading & Paving	789 Zion Dr. Anytown, AZ	602-383-2928	Ken Overton	Sidewalk, Curb & Gutter	Yes	Yes
Gateway Electric, Inc.	1001 Bakers Anytown, AZ	602-222-2873	Christina Lee	Traffic Signals	No	No
Hertz Air Conditioning Co., Inc.	219 Hightower Anytown, AZ	480-522-8727	Ellen Young	HVAC	No	No
Itachi Landscape	160 Crane St. Anytown, AZ	602-647-8955	Dan Kovaski	Erosion Control & Seeding	Yes	No
Jett Construction, Inc.	456 Anchor Rd. Anytown, AZ	602-364-8081	Rita Holt	Sidewalk, Curb & Gutter	Yes	No

QUOTE EXAMPLE

ABC Construction Company

925-321-7654

Owned By U.S. Perma, Inc.

925-321-7655 Fax

State License No. 439330 – Since 1962

Ceramic

Mosaic

Quarry

Marble

Granite

Pavers

Thin Brick

Date: February 4, 2013

Quote: 06190311

City: Martinez

QUOTE

Reference: DISCOVERY HOUSE FACILITY

Attention: Estimating

Base Bid: \$40,938.00

Addendum's: 1 only

Inclusions

Ceramic tile lobby and restrooms. Mortar floor at restrooms, cement backer board at walls and lobby floor (included at \$6,435.00). Waterproof membrane at restrooms floors.

Exclusions

Demo & Prep

This is a price quote confirmation for the aforementioned project as set forth in the inclusions section of this form. This quote is in accordance with plans, drawings, and specifications as presented to us, or as specified by your company. Shop drawings are not included unless specified above. All labor, materials, taxes, freight, equipment, etc., necessary to attain a complete product are included unless otherwise stated. This bid shall be valid for a period of sixty (60) days.

Thank you,

John Smith

123 Main Street
Anytown, CA 94553

5.06 HAVING SOUND REASON FOR REJECTING DBES

Purpose: To not reject DBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities.

Action: The DBE contractor's standing within its industry, membership in specific groups, organizations or associations and political or social affiliations (for example, union vs. non-union employee status) are not legitimate causes for the rejection or non-solicitation of bids in the contractor's efforts to meet the project goal.

Bidder's GFE Documentation:

- 1) Demonstrate that DBEs were rejected for sound reasons based on a thorough investigation of their capabilities;
- 2) Provide documentation of the following examples:
 - ☐ Past performance
 - ☐ Relevant business experience & stability
 - ☐ Safety record
 - ☐ Business ethic & moral integrity
 - ☐ Technical capacity
 - ☐ Other factors

5.07 ASSISTING INTERESTED DBES - BONDING, CREDIT, INSURANCE

Purpose: To assist interested DBEs in obtaining bonds, lines of credit, and insurance as required by ADOT/Subrecipient/LPA/Grantee or Bidder.

Action: Assist interested DBEs in such areas as obtaining bonding, lines of credit, or insurance and providing any technical assistance or information related to the plans, specification, and requirements of the project, excluding supplies and equipment the DBE subcontractor purchases or leases from the prime contractor or its affiliate.

Bidder's GFE Documentation:

- 1) If assistance was given, list each certified DBE to which such assistance was provided and include the following information:
 - a. Name of the DBE;
 - b. Date assistance was provided;
 - c. DBE contact person;
 - d. Telephone number of contact person with DBE; and
 - e. Explanation of assistance provided to the DBE (e.g., obtaining bonding, lines of credit, or insurance).

SECTION 5.07	BONDING, CREDIT, INSURANCE	EXAMPLE
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BONDS, LINES OF CREDIT AND INSURANCE

DBE firm:	Date:
Contact person:	Telephone #:
Assistance offered:	

DBE firm:	Date:
Contact person:	Telephone #:
Assistance offered:	

5.08 ASSISTING INTERESTED DBES – EQUIPMENT, SUPPLIES, MATERIALS, RELATED SERVICES

Purpose: To assist interested DBEs in obtaining necessary equipment, supplies, materials, or related assistance and services.

Action: Assist interested DBEs in such areas as obtaining equipment, supplies, materials, or related assistance or services related to the plans, specification, and requirements of the project, excluding supplies and equipment the DBE subcontractor purchases or leases from the prime contractor or its affiliate.

Bidder's GFE Documentation:

- 1) If assistance was given, list each certified DBE to which such assistance was provided and include the following information:
 - a. Name of the DBE;
 - b. Date assistance was provided;
 - c. DBE contact person;
 - d. Telephone number of contact person with DBE; and
 - e. Explanation of assistance provided to the DBE (e.g., obtaining equipment, supplies, materials, or related assistance or services).

SECTION 5.08	EQUIPMENT, SUPPLIES, MATERIALS, RELATED SERVICES	EXAMPLE
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EQUIPMENT, SUPPLIES, MATERIALS, RELATED ASSISTANCE OR SERVICES

DBE firm:	Date:
Contact person:	Telephone #:
Assistance offered:	

DBE firm:	Date:
Contact person:	Telephone #:
Assistance offered:	

5.09 MINORITY/WOMEN COMMUNITY ORGANIZATIONS

Purpose: To effectively use the services of available minority/women community organizations; minority/women contractors' groups; local, state, and Federal minority/women business assistance offices; other organizations as allowed for providing assistance in the recruitment and placement of DBEs.

Action:

- 1) Contact minority/women community organizations, DBE-related agencies recruitment/placement organizations, or other groups, for assistance in contacting, recruiting, and using DBE subcontractors, suppliers, manufacturers, and truckers. Contact should occur in a manner that allows interested DBEs to respond within **ten (10) calendar days** prior to bid opening.

Here are some example organizations that are available for assistance with DBE recruitment. This is not a complete list and bidders are expected to contact additional organizations to assist in finding DBEs.

Ricardo Carlo, President

Associated Minority Contractors of America

2630 S. 20th Place

Phoenix, AZ 85034

Office: (602) 495-0026 Fax: (602) 252-3749

Cell: (623) 521-8195

&

3941 E. 29th Street, Suite 605

Tucson, AZ 85711

Toll Free: (877) 619-0026

Email: amca@qwestoffice.net

Web: www.amcaaz.com

Kaaren-Lyn Morton, Business Consultant

Minority Business Development Agency

Business Center

255 E. Osborn Road, Suite 202

Phoenix, AZ 85012-2358

Office: (602) 248-0007, Ext. 216 Fax: (602) 279-8900

Cell: (480) 343-2799

Email: kaaren@phoenixmbdcenter.com

Web: www.phoenixmbdcenter.com

Operated by the Arizona Hispanic Chamber of Commerce Foundation

Business Engagement & Compliance Office

Arizona Department of Transportation

1801 W. Jefferson St. Ste. 101 (MD 154A)

Phoenix, AZ 85007

Office: (602) 712-7761 Fax: (602) 712-8429

Email: DBESupportiveServices@azdot.gov

The Arizona Unified Transportation Registration and Certification System (AZ UTRACS) online database (<http://www.azutracs.com/>) contains an inventory of DBEs. The database can be queried to provide a list of certified DBEs in specialty areas or discipline-specific.

2) Written requests for assistance must contain:

- a. Areas of work to be subcontracted;
- b. Bidder Name and contact person's name;
- c. Contact person's telephone number;
- d. Description of availability of plans, specifications, and other requirements for the project; and
- e. Bidder's policy concerning assistance to subcontractors (including suppliers, manufacturers, and truckers) in obtaining bonds, lines of credit, insurance, equipment, supplies, materials, related assistance and services.

Bidder's GFE Documentation:

- 1) Submit a copy of each request for assistance in recruiting DBEs.
- 2) Faxed copies must also include the fax transmittal confirmation slip showing the date and time of transmission.
- 3) Mailed letters must include copies of the metered envelopes or certified mail receipts.
- 4) Provide telephone number of each agency.
- 5) Provide contact person with the agency.
- 6) Provide response received from the agency (i.e., lists, Internet page, letters, emails, etc.).
- 7) Furnish any additional data to support demonstration of good faith efforts to contact, recruit, and utilize DBEs on this project.

SECTION 5.09	MINORITY/WOMEN COMMUNITY ORGANIZATIONS	EXAMPLE
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DBE QUOTE SOLICITATION REQUEST

(Enter: COMPANY NAME) is soliciting quotes from certified DBEs for the: (Enter: PROJECT LOCATION)
(Example: Payson Winslow Highway SR 87 Limestone Wash Bridge)

Bidding Date: (Example: NOVEMBER 8, 2013)

Project No: (Example: STP-BR-087-C(203)T)

Tracs No: (Example: 000 YU YYU SS86101C)

Bids due Contractor: (Example: NOVEMBER 4, 2013)

DBEs interested in bidding this project should contact:

(Example: John Doe at 602 777 0000 or via email estimator@live.com)

(Enter: COMPANY NAME) is interested in subcontracting the following categories of work:

(Enter bid items for bid below)

- Concrete
- Seeding
- Paving
- Trucking
- Excavation
- Survey
- Traffic Control
- Guardrail
- Permanent Signs
- Excavation
- Lead Abatement
- Pavement Marking

***Please include any additional information that would assist efforts in DBE participation and a web-friendly company logo and Point of Contact.**

Bids documents can be found at: (Enter: COMPANY WEBSITE)

For questions regarding the ADOT DBE Supportive Services Program please contact us at DBEsupportiveservices@azdot.gov.

CONTACT LOG

Agency Name	Telephone Number	Contact Person	Agency Response	Services Rendered

SECTION 6.0 APPENDIX A TO PART 26 – GUIDANCE CONCERNING GFEs

The following appendix from 49 CFR Part 26 is a guide to assist agencies in determining what a good faith effort is.

APPENDIX A TO PART 26 — GUIDANCE CONCERNING GOOD FAITH EFFORTS

Note: “YOU” means the Agency (ADOT) in the following section of this requirement.

- I. When, as a recipient, you establish a contract goal on a DOT-assisted contract for procuring construction, equipment, services, or any other purpose, a bidder must, in order to be responsible and/or responsive, make sufficient good faith efforts to meet the goal. The bidder can meet this requirement in either of two ways. First, the bidder can meet the goal, documenting commitments for participation by DBE firms sufficient for this purpose. Second, even if it doesn't meet the goal, the bidder can document adequate good faith efforts. This means that the bidder must show that it took all necessary and reasonable steps to achieve a DBE goal or other requirement of this part which, by their scope, intensity, and appropriateness to the objective, could reasonably be expected to obtain sufficient DBE participation, even if they were not fully successful.
- II. In any situation in which you have established a contract goal, Part 26 requires you to use the good faith efforts mechanism of this part. As a recipient, you have the responsibility to make a fair and reasonable judgment whether a bidder that did not meet the goal made adequate good faith efforts. It is important for you to consider the quality, quantity, and intensity of the different kinds of efforts that the bidder has made, based on the regulations and the guidance in this Appendix.

The efforts employed by the bidder should be those that one could reasonably expect a bidder to take if the bidder were actively and aggressively trying to obtain DBE participation sufficient to meet the DBE contract goal. Mere pro forma efforts are not good faith efforts to meet the DBE contract requirements. We emphasize, however, that your determination concerning the sufficiency of the firm's good faith efforts is a judgment call. Determinations should not be made using quantitative formulas.

- III. The Department also strongly cautions you against requiring that a bidder meet a contract goal (i.e., obtain a specified amount of DBE participation) in order to be awarded a contract, even though the bidder makes an adequate good faith efforts showing. This rule specifically prohibits you from ignoring bona fide good faith efforts.
- IV. The following is a list of types of actions which you should consider as part of the bidder's good faith efforts to obtain DBE participation. It is not intended to be a mandatory checklist, nor is it intended to be exclusive or exhaustive. Other factors or types of efforts may be relevant in appropriate cases.
 - A. (1) Conducting market research to identify small business contractors and suppliers and soliciting through all reasonable and available means the interest of all certified DBEs that have the capability to perform the work of the contract. This may include attendance at pre-bid and business matchmaking meetings and events, advertising and/or written notices, posting of Notices of Sources Sought and/or Requests for Proposals, written notices or emails to all DBEs listed in the State's directory of transportation firms that specialize in the areas of work desired (as noted in the DBE directory) and which are located in the area or surrounding areas of the project.

(2) The bidder should solicit this interest as early in the acquisition process as practicable to allow the DBEs to respond to the solicitation and submit a timely offer for the subcontract. The bidder should

determine with certainty if the DBEs are interested by taking appropriate steps to follow up initial solicitations.

- B. Selecting portions of the work to be performed by DBEs in order to increase the likelihood that the DBE goals will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units (for example, smaller tasks or quantities) to facilitate DBE participation, even when the prime contractor might otherwise prefer to perform these work items with its own forces. This may include, where possible, establishing flexible timeframes for performance and delivery schedules in a manner that encourages and facilitates DBE participation.
- C. Providing interested DBEs with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation with their offer for the subcontract.
- D. (1) Negotiating in good faith with interested DBEs. It is the bidder's responsibility to make a portion of the work available to DBE subcontractors and suppliers and to select those portions of the work or material needs consistent with the available DBE subcontractors and suppliers, so as to facilitate DBE participation. Evidence of such negotiation includes the names, addresses, and telephone numbers of DBEs that were considered; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and evidence as to why additional Agreements could not be reached for DBEs to perform the work.

(2) A bidder using good business judgment would consider a number of factors in negotiating with subcontractors, including DBE subcontractors, and would take a firm's price and capabilities as well as contract goals into consideration. However, the fact that there may be some additional costs involved in finding and using DBEs is not in itself sufficient reason for a bidder's failure to meet the contract DBE goal, as long as such costs are reasonable. Also, the ability or desire of a prime contractor to perform the work of a contract with its own organization does not relieve the bidder of the responsibility to make good faith efforts. Prime contractors are not, however, required to accept higher quotes from DBEs if the price difference is excessive or unreasonable.

- E. (1) Not rejecting DBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities. The contractor's standing within its industry, membership in specific groups, organizations, or associations and political or social affiliations (for example union vs. non-union status) are not legitimate causes for the rejection or non-solicitation of bids in the contractor's efforts to meet the project goal. Another practice considered an insufficient good faith effort is the rejection of the DBE because its quotation for the work was not the lowest received. However, nothing in this paragraph shall be construed to require the bidder or prime contractor to accept unreasonable quotes in order to satisfy contract goals.

(2) A prime contractor's inability to find a replacement DBE at the original price is not alone sufficient to support a finding that good faith efforts have been made to replace the original DBE. The fact that the contractor has the ability and/or desire to perform the contract work with its own forces does not relieve the contractor of the obligation to make good faith efforts to find a replacement DBE, and it is not a sound basis for rejecting a prospective replacement DBE's reasonable quote.

- F. Making efforts to assist interested DBEs in obtaining bonding, lines of credit, or insurance as required by the recipient or contractor.
- G. Making efforts to assist interested DBEs in obtaining necessary equipment, supplies, materials, or related assistance or services.

- H. Effectively using the services of available minority/women community organizations; minority/women contractors' groups; local, State, and Federal minority/women business assistance offices; and other organizations as allowed on a case-by-case basis to provide assistance in the recruitment and placement of DBEs.
- V. In determining whether a bidder has made good faith efforts, it is essential to scrutinize its documented efforts. At a minimum, you must review the performance of other bidders in meeting the contract goal. For example, when the apparent successful bidder fails to meet the contract goal, but others meet it, you may reasonably raise the question of whether, with additional efforts, the apparent successful bidder could have met the goal. If the apparent successful bidder fails to meet the goal, but meets or exceeds the average DBE participation obtained by other bidders, you may view this, in conjunction with other factors, as evidence of the apparent successful bidder having made good faith efforts. As provided in §26.53(b)(2)(vi), you must also require the contractor to submit copies of each DBE and non-DBE subcontractor quote submitted to the bidder when a non-DBE subcontractor was selected over a DBE for work on the contract to review whether DBE prices were substantially higher; and contact the DBEs listed on a contractor's solicitation to inquire as to whether they were contacted by the prime. Pro forma mailings to DBEs requesting bids are not alone sufficient to satisfy good faith efforts under the rule.
- VI. A promise to use DBEs after contract award is not considered to be responsive to the contract solicitation or to constitute good faith efforts.

Note: Contacting BECO (602 712-7761) for assistance in identifying certified DBEs that can perform work on a contract is also considered a strong factor in making good faith efforts.

ARIZONA DEPARTMENT OF TRANSPORTATION

DISADVANTAGED BUSINESS ENTERPRISE (DBE)

GOAL ASSURANCE

The undersigned, fully cognizant of the requirements and of the goal established, hereby certifies that in the preparation of this bid for federal aid project:

TRACS No: _____

Project No: _____

Project Name: _____

(CHECK ONE)

_____ The bidder has met the established DBE goal and arrangements with certified DBEs have been made prior to the submission of the bid, or

_____ The bidder has been unable to meet the established DBE goal prior to the submission of the bid and has made good faith efforts to do so.

THIS CERTIFICATE MAY NOT BE REVISED OR CORRECTED AFTER SUBMISSION OF THE BID.

If the bidder certifies that it has met the goal, the bidder cannot change its decision after submission of the bid and submit documentation of a good faith effort. If the bidder certifies that it has been unable to meet the goal and has made a good faith effort, the bidder cannot change its position after submission of the bid and claim to have met the established goal.

In accordance with the DBE Special Provisions, the bidder shall specify its DBE participation on the "DBE Intended Participation Affidavit", or provide documentation of its good faith efforts, by 4:00 p.m. on the seventh calendar day following the bid opening. The apparent low bidder shall obtain the required affidavit from the Business Engagement & Compliance Office (BECO) website at <http://www.azdot.gov/bec> or email contractorcompliance@azdot.gov

Print Name of Firm

Print Name of Authorized Officer of Firm

Signature of Authorized Officer of Firm

Title

Date



ARIZONA DEPARTMENT OF TRANSPORTATION

CONSTRUCTION

DISADVANTAGED BUSINESS ENTERPRISE (DBE)

INTENDED PARTICIPATION AFFIDAVIT

TRACS No(s): _____ Project/Contract No.: _____

DBE Firm: _____ AZ UTRACS Registration No.: _____

Select: ☐ Contractor ☐ Trucker ☐ Broker (Fees/Commission) ☐ Supplier (60% DBE Credit) ☐ Manufacturer

1. The undersigned is prepared to perform the following scope(s) of work on the above referenced project.

UNIT PRICE OR HOURLY RATE BID					
NAICS Code	Bid Item No.	Description / Scope of Work	Unit/ Hourly Quantity	Unit/ Hourly Price	Total Minimum Contract Amount
			Total		

LUMP SUM BID			
NAICS Code	Bid Item No.	Description / Scope of Work	Total Minimum Contract Amount
			Total

2. (Trucking) The undersigned affirms that of the trucking/hauling work quoted above, the following applies:

	Project Use	# of Trucks	Dollar Amount
DBE firm owns total # _____ Trucks	DBE owned trucks	_____	_____
	DBE leased trucks	_____	_____
	non-DBE leased w/DBE driver	_____	_____
	non-DBE leased w/o DBE driver	_____	_____

3. (Brokerage) The undersigned affirms that the amount of fees and commissions for work quoted above are as follows:

Total Min Contract Amount \$ _____ Fees/Commissions Portion of Bid \$ _____ or _____ %

4. The undersigned will **sublet** and/or award \$ _____ of work bid to a **non-DBE firm**.

5. The undersigned will **sublet** and/or award \$ _____ of work to another **certified DBE firm**.

Confirmation of Participation

By signature below, the undersigned agrees to enter into a formal agreement/subcontract for the work cited herein should the prime contractor receive award of this contract form the Purchaser.

I, _____ confirm that _____
(Authorized DBE firm officer, print name and title) (Name of DBE firm)

will be participating in the above project.

The DBE firm will be performing the scope as describe above for _____
(Total DBE Credit Dollar Value)

(Authorized DBE firm officer, Signature)

(Date)



ARIZONA DEPARTMENT OF TRANSPORTATION

CONSTRUCTION DISADVANTAGED BUSINESS ENTERPRISE (DBE) Intended Participation Affidavit

INSTRUCTIONS

1. Do not submit *Instructions* page.
2. Form is completed by DBE firms that are Consultants, Subconsultants, Lower-Tier Subconsultants, Direct Expense Vendors, and Brokers
3. The form must be signed by an authorized officer or principal of the DBE firm and submitted to the contractor.
4. The form must be submitted **by 4:00 p.m.** on or before the **seventh calendar day** after the bids are opened.
5. The DBE firm must be certified and licensed within the work category to be performed.
6. The form must be filled out **entirely**. Leave no blank spaces, use N/A or enter "0" if section does not apply.
7. If the DBE firm needs additional lines for scope of work/ work description please attach additional sheets or quotes as necessary.
8. A separate form must be submitted for each proposed DBE firm.
9. All partial items must be explained. If not, the DBE will be considered to be responsible for the entire item.
10. Completed form can be scanned and emailed to contractorcompliance@azdot.gov

Definitions:

1. Unit Price or Hourly Rate Bid or Lump Sum Bid
 - a. *NAICS Code*: Identify the North American Industry Classification System code that the firm is certified as a DBE to perform
 - b. *Bid Item No.*: Identify the work item number that correlates to the work being performed
 - c. *Description / Scope of Work*: Identify work to be performed
 - d. *Total Minimum Contract Amount*: Identify the total dollar of value for the work to be performed
2. Trucking
 - a. Identify total number of trucks owned by DBE and the total dollar value of work
 - b. Identify total number of DBE trucks used on the project and the total dollar value of work
 - c. Identify total number of DBE leased trucks used on the project and the total dollar value of work
 - d. Identify total number of non-DBE leased trucks with DBE drivers used on the project and the total dollar value of work
 - e. Identify total number of non-DBE leased trucks without DBE drivers used on the project and the total dollar value of work
3. Brokerage
 - a. Identify total dollar value of brokered work
 - b. Identify the fees or commission value that pertain to the total brokerage amount
4. Identify the total dollar amount to be subcontracted to a non-DBE firm
5. Identify the total dollar amount to be subcontracted to a DBE firm

ARIZONA DEPARTMENT OF TRANSPORTATION

CONSTRUCTION

DISADVANTAGED BUSINESS ENTERPRISE (DBE)

Intended Participation Affidavit – Summary

TRACS No(s).: _____ Project/Contract No.: _____ Required DBE Goal _____

Prime Name: _____ AZ UTRACS Registration No.: _____

DBE Liaison Name: _____ Contact Phone Number: _____

Note: When completing the calculations table, enter the Contract Bid Amount (F) to avoid Javascript warning message.

<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>	<i>E</i>
Name of DBE Firm	Scope of Work	Total Contract Amount	Adjustments	Total DBE Credit Dollar Value
Total DBE Credit Dollar Value				
(F) Contract Bid Amount				
Total % of DBE Commitment				

By signature below, the undersigned agrees that formal agreements/subcontracts with the listed DBE firms will occur for the work cited herein should this contract be awarded.

(Name)

(Title)

(Signature)

(Date)



ARIZONA DEPARTMENT OF TRANSPORTATION

CONSTRUCTION DISADVANTAGED BUSINESS ENTERPRISE (DBE) Intended Participation Affidavit – Summary

INSTRUCTIONS

1. Do not submit *Instruction* page.
2. Identify first-tier DBE firms and any lower-tier DBE firms if used by non-DBE subcontractors for total DBE utilization.
3. When completing the calculations table, enter the Contract Bid Amount (F) first so pop-up warning message does not appear.
4. Submit corresponding *DBE Intended Participation Affidavit* form for each DBE firm identified on this form.
5. Completed documentation can be scanned and emailed to contractorcompliance@azdot.gov.

Definitions:

AZ UTRACS Registration No.: registration number identifying firm is *ready, willing and able to work* with ADOT; can be found conducting a search on the AZ UTRACS website: <https://adot.dbesystem.com/>.

DBE Liaison Name: the designated employee who shall be responsible for the administration of the prime's DBE program

Contract Bid Amount: Total dollar amount bidder proposes at time of bid

Prime Name: name of contractor or consultant

TRACS No.: number identifier for contracts, projects, solicitations, and purchase orders

A – DBE firm's name

B – Services provided by the DBE firm – must coincide with the NAICS Code the DBE is certified in

C – Total dollar value of work assigned to the DBE firm

D – Any deductions from DBE's total contract amount due to subletting of work to non-DBE firms or due to DBE credit being less than 100% for suppliers or brokers - Enter "0" if there are no adjustments

E – Total contract amount less any adjustments (*C* minus *D*)

F – Enter total bid amount on project

Disadvantaged Business Enterprise Program Counting DBE Utilization



Counting Rules

- Count only work actually performed by the DBEs
- Defined in multiple ways in federal regulation and contract specifications

ADOT measures progress towards its overall DBE goals and on project goals to ensure minority and women-firms can compete fairly on all types of federal-aid contracts and procurements.



Construction Contract

Count 100% that is performed by the DBEs own forces:

- Supplies
- Materials
- Equipment
- Labor



Professional Services

Count 100% of fees for providing bona fide service:

- Professional
- Technical
- Consultant
- Managerial

Other Services

Count 100% of commissions or fees for providing:

- Bonds or insurance
- Temporary labor
- Off-duty police officers

Services must be specifically required for the performance of a DOT-assisted contract

Count value of work subcontracted to another DBE

Count value of joint venture contract equal to distinct portion performed by DBE

Count expenditures to DBE if DBE performs a Commercially Useful Function

Commercially Useful Function

DBE is responsible for:

- Performing, managing, and supervising the work involved within the contract

- Negotiating price, determining quality and quantity, ordering, and installing (where applicable), and paying for materials
- Exercises responsibility for at least 30 percent of the total cost of its contract with its own work force

Counting Trucking

Count total value of transportation provided by:

- DBE using trucks it owns, insures, and operates using drivers it employs.
- Leased trucks from another DBE firm, or DBE owner/operators
- Leased trucks from a non-DBE firm or non-DBE owner/operators, only to the extent of value provided by DBE trucks. Anything above this 1-to-1 value, count only the fee or commission.

Commercial Useful Function – Truck

- Responsible for the management and supervision of the entire trucking operation on a particular contract
- DBE must itself own and operate at least one fully licensed, insured, and operational truck used on the contract.
- Leased trucks must indicate that the DBE has exclusive use of and control over the truck, including priority if used elsewhere.

Materials and Supplies

DBE Manufacturer

- 100% of materials or supplies – obtained
- Owns factory or produces on premises according to specs

Regular Dealer

- 60% of cost of materials can be credited
- Owns an establishment that buys, stocks, and sells/leases to the public
- Packagers, brokers, and manufacturers' reps
- Count only fees and commissions for assisting with procurement, and/or transporting to the project

DBE Utilization Counted in 3 Areas

Commitments

- Anticipated contract values negotiated before submitting a bid or price for a project.
- Anticipated percentage committed for on-call or indefinite quantity contracts.
- Calculated according to counting rules for each type of firm.

Awards

- Demonstrated by execution of contracts with DBE firms
- Impacted by additions or reductions to project scope and DBE scope
- BECO must be notified of any pending terminations or substitutions of DBEs

Payments

- Measures actual expenditures to DBEs
- Tracks compliance with state and federal prompt pay laws

References:

- ADOT DBE FHWA Plan
- 49 CFR 26
- Highlights of Major Changes in the 2014 DBE Final Rule
- Uniform Report of DBE commitments/ audit payments, 49 CFR 26.55

ADOT DBE GOALS



Funding Agency	Federal Fiscal Timeframe	Overall Proposed Goal	Race/Gender Conscious % (Contract Goals)	Race/Gender Neutral % (Small Business Programs and other Efforts)
FHWA	2015 – 2017	8.90%	3.90%	5.00%
FTA	2016 – 2018	7.25%	N/A	7.25%
FAA	2017 – 2019	4.87%	N/A	4.87%

A good faith effort to include DBE firms in federal-aid projects, regardless of contract goals, helps ADOT meet its annual overall goals.



RESOURCES



AZUTRACS

<http://www.AZUTRACS.com>

- A statewide directory of ready, willing, and available firms
- DBE Directory
- Small Business Concern Registry

For assistance finding DBE firms, contact the ADOT Business Engagement and Compliance Office:

(602) 712-7761



Commercially Useful Function (CUF)

For the prime contractor/subcontractor(s) to receive DBE credit on a project the DBE must perform a CUF. A CUF requires following federal regulations regarding the DBE company managing the project, the equipment used, the performance of DBE company employees, the materials required, and overall project performance by the DBE. Also, the DBE must be paid in accordance with Arizona Department of Transportation (ADOT) payment procedures for all work accepted by ADOT.

The following bullets describe possible CUF violations

Management

- Supervision of DBE employees done by another contractor.
- The DBE provides little or no supervision of contracted work.
- The DBE's superintendent is not a regular, full-time, exclusive employee of the DBE.
- Supervision is performed by personnel associated with another company.
- The DBE hasn't been issued a subcontract, purchase order, or other contractual document.
- DBE firm's owner is not aware of the status of the work, the employees and/or the performance of the business.
- DBE company owners are rarely or never seen.

Equipment

- The equipment is used by the DBE firm but the payments are deducted by the prime contractor.
- The equipment used by the DBE firm belongs to another contractor with no formal long term lease agreement (large equipment such as a crane, is an exception).
- Magnetic equipment signs and markings cover another company logo or other information.

Workforce

- Movement of DBE employees to/from other contractors.
- Employee(s) paid by the DBE and/or prime.
- Employee(s) working for the DBE and another company.
- Employee(s) not familiar with DBE company supervisors/key personnel.

Materials

- Materials for the DBE are ordered and/or paid for by another contractor.
- Joint (two-party) checks are sent directly to DBE suppliers without the knowledge or consent of the DBE.
- The DBE does not deliver the agreed to joint check to its supplier(s).
- Materials or supplies to be obtained by the DBE are delivered to, billed to, or paid for by another contractor.
- The prime puts requirements on the DBE regarding where/who to purchase project materials.

Performance

- DBE firm work is being done jointly by the DBE firm and/or another contractor
- The work to be performed is outside of the DBE's known experience or capability (DBE certification/prequalification categories).
- The DBE performs work without a subcontract, purchase order, or other signed contractual document.
- A DBE subcontracts more of its work than is customary or standard industry practice.
- DBE participation on a project is artificially inflated.
- Lack of evidence of ownership, control and/or independence of the DBE.
- The DBE works for only one prime contractor or a large portion of the firm's contracts are with one contractor.

NOTE: Not every red flag indicates there is a CUF violation. However, notice of red flags should be documented and reported to the ADOT Business Engagement and Compliance Office (BECO).

Please contact BECO Field Compliance immediately at (602) 712-7761 to report a possible CUF violation or if you have any questions.

DBE SUBCONTRACT COMPLIANCE ASSURANCES**(07/01/2016)****1. Assurances of Non-Discrimination:****(EPRISE 2.0)**

The contractor, subrecipient, or subcontractor shall not discriminate on the basis of race, color, national origin or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of USDOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the state deems appropriate, which may include, but not limited to:

- (1) Withholding monthly progress payments;
- (2) Assessing sanctions;
- (3) Liquidated damages; and/or
- (4) Disqualifying the contractor from future bidding as non-responsible.

The contractor, subrecipient, or subcontractor shall ensure that all subcontract agreements contain this non-discrimination assurance.

2. Time is of the Essence:**(EPRISE 8.0)**

TIME IS OF THE ESSENCE IN RESPECT TO THE DBE PROVISIONS.

3. Computation of Time:**(EPRISE 9.0)**

In computing any period of time described in this DBE special provision, such as calendar days, the day from which the period begins to run is not counted, and when the last day of the period is a Saturday, Sunday, or Federal or State holiday, the period extends to the next day that is not a Saturday, Sunday, or Federal or State holiday. In circumstances where the Department's offices are closed for all or part of the last day, the period extends to the next day on which the Department's offices are open.

4. DBE Payment Reporting:**(EPRISE 17.0) (109RET 109.06 (B)(5))**

For the purposes of this subsection "Reportable Contracts" means any subcontract, of any tier, DBE or non-DBE, by which work shall be performed on behalf of the contractor and any contract of any tier with a DBE material supplier.

The requirements of this subsection apply to all Reportable Contracts.

Payment Reporting for all Reportable Contracts shall be done through the Department's web-based DBE System. The DBE System can be accessed from the Department's BECO website. No later than fifteen calendar days after the preconstruction conference, the contractor shall log into the Department's web-based DBE System and enter or verify the name, contact information, and subcontract amounts for Reportable Contracts on the project. As Reportable Contracts are approved over the course of the contract, the contractor shall enter them in the system. Reportable contracts shall be entered into the system no later than five calendar days after approval by the Department.

The contractor shall report on a monthly basis indicating the amounts actually paid and the dates of each payment under any Reportable Contract on the project. In addition, the contractor shall require that all participants in any Reportable Contract electronically verify receipt of payment on the contract by the last day of the month and the contractor shall actively monitor the Department's DBE System to ensure that the verifications are input. The contractor shall proactively

work to resolve any payment discrepancies in the DBE System between payment amounts it reports and payment confirmation amounts reported by others.

The contractor shall ensure that all Reportable Contract activity is reported to the Department. This includes all lower-tier Reportable Contracts.

The contractor shall maintain records for each payment explaining the amount requested by the subcontractor, and the amount actually paid pursuant to the request, which may include but are not limited to, estimates, invoices, pay requests, copies of checks or wire transfers, and lien waivers in support of the monthly payments in the DBE System.

The contractor shall provide information for payments made on all Reportable Contracts during the previous month by the 15th day of the current month. In the event that no payments were made during a given month, the contractor shall identify that by entering a dollar value of zero. If the contractor does not pay the full amount of any invoice from a subcontractor, the contractor shall note that and provide the reasons in the comment section of the Monthly Payment Audit of the DBE System.

For each Reportable Contract on which the contractor fails to submit timely payment information the Department will retain \$1,000.00 as liquidated damages, from the monies due to the contractor. Liquidated damages will be deducted each month for each Reportable Contract on which the contractor fails to submit payment information until the contractor provides the required information as described herein. After 90 consecutive days of non-reporting, the liquidated damages will increase to \$2,000.00 for each subsequent month, for each Reportable Contract on which the contractor fails to report until the information is provided. These liquidated damages shall be in addition to all other retention or liquidated damages provided for elsewhere in the contract.

The contractor shall ensure that a copy of this Subsection is included in every Reportable Contract of every tier.

Sanctions for Inadequate Reporting:

For each Reportable Contract on which the contractor fails to submit timely and complete payment information the Department will retain \$1,000.00 as liquidated damages, from the monies due to the contractor. Liquidated damages will be deducted each month for each Reportable Contract on which the contractor fails to submit payment information until the contractor provides the required information as described herein. After 90 consecutive days of non-reporting, the liquidated damages will increase to \$2,000.00 for each subsequent month, for each Reportable Contract on which the contractor fails to report until the information is provided. These liquidated damages shall be in addition to all other retention or liquidated damages provided for elsewhere in the contract.

5. Crediting DBE Participation Toward Meeting Goals:

(EPRISE 18.0)

General Requirements:

To count toward meeting a goal, the DBE firm must be certified as of the deadline for submission of bids in each NAICS code applicable to the kind of work the firm will perform on the contract. NAICS for each DBE can be found on the AZ UTRACS under the Firm Directory. General descriptions of all NAICS codes can be found at www.naics.com.

Credit towards the contractor's DBE goal is given only after the DBE has been paid for the work performed.

The entire amount of a contract that is performed by the DBE's own forces, including the cost of supplies and materials purchased by the DBE for the work on the contract and equipment leased by the DBE will be credited toward DBE participation. Supplies and equipment the DBE subcontractor purchases or leases from the prime contractor or its affiliate will not be credited toward DBE participation. Work included in a force account item cannot be listed on the DBE Intended Participation Affidavit.

The contractor bears the responsibility to determine whether the DBE possesses the proper contractor's license(s) to perform the work and, if DBE credit is requested, that the DBE subcontractor is certified for the requested type of work.

If a DBE cannot complete its work due to failure to obtain or maintain its licensing, the contractor bears the responsibility to notify the Engineer and BECO immediately after the contractor becomes aware of the situation, and request approval to replace the DBE with another DBE. The contractor shall follow the DBE termination/substitution requirements described in Subsection 24.0 of these DBE provisions.

The Department's certification is not a representation of a DBE's qualifications and/or abilities. The contractor bears all risks that the DBE may not be able to perform its work for any reason.

A DBE may participate as a prime contractor, subcontractor, joint venture partner with either a prime contractor or a subcontractor, or as a vendor of materials or supplies. A DBE joint venture partner shall be responsible for a clearly defined portion of the work to be performed, in addition to meeting the requirements for ownership and control.

The dollar amount of work to be accomplished by DBEs, including partial amount of a lump sum or other similar item, shall be on the basis of subcontract, purchase order, hourly rate, rate per ton, etc., as agreed to between parties.

With the exception of bond premiums, all work must be attributed to specific bid items. Where work applies to several items, the DBE contracting arrangement must specify unit price and amount attributable to each bid item. DBE credit for any individual item of work performed by the DBE shall be the lesser of the amount to be paid to the DBE or the prime contractor's bid price. If the amount bid by the DBE on any item exceeds the prime contractor's bid amount, the prime contractor may not obtain credit by attributing the excess to other items.

Where more than one DBE is engaged to perform parts of an item (for example, supply and installation), the total amount payable to the DBEs will not be considered in excess of the prime contractor's bid amount for that item.

Bond premiums may be stated separately, so long as the arrangement between the prime contractor and the DBE provides for separate payment not to exceed the price charged by the bonding company.

DBE credit may be obtained only for specific work done for the project, supply of equipment specifically for physical work on the project, or supply of materials to be incorporated in the work. DBE credit will not be allowed for costs such as overhead items, capital expenditures (for example, purchase of equipment), and office items.

If a DBE performs part of an item (for example, installation of materials purchased by a Non-DBE), the DBE credit shall not exceed the lesser of (1) the DBE's contract or (2) the prime contractor's bid for the item, less a reasonable deduction for the portion performed by the Non-DBE.

When a DBE performs as a partner in a joint venture, only that portion of the total dollar value of the contract which is clearly and distinctly performed by the DBE's own forces can be credited toward the DBE goal.

The contractor may credit second-tier subcontracts issued to DBEs by non-DBE subcontractors. Any second-tier subcontract to a DBE used to meet the goal must meet the requirements of a first-tier DBE subcontract.

A prime contractor may credit the entire amount of that portion of a construction contract that is performed by the DBE's own forces. The cost of supplies and materials obtained by the DBE for the work of the contract can be included so long as that cost is reasonable. Leased equipment may also be included. No credit is permitted for supplies purchased or equipment leased from the prime contractor or its affiliate(s).

When a DBE subcontracts a part of the work of its contract to another firm, the value of the subcontract may be credited towards the DBE goal only if the DBE's subcontractor is itself a DBE and performs the work with its own forces.

Work that a DBE subcontracts to a non-DBE firm does not count toward a DBE goal.

A prime contractor may credit the entire amount of fees or commissions charged by a DBE firm for providing a bona fide service, such as professional, technical, consultant, or managerial services, or for providing bonds or insurance specifically required for the performance of a USDOT-assisted contract, provided the fees are reasonable and not excessive as compared with fees customarily allowed for similar services.

Effect of Loss of DBE Eligibility:

If a DBE is deemed ineligible (decertified) or suspended by the Department in accordance with 49 CFR 26.87 and 26.88, the DBE may not be considered to meet a contract goal on a new contract, but may be considered to meet the contract goal under a subcontract that was executed before the DBE suspension or decertification is effective.

When a committed DBE firm or a DBE prime contractor loses its DBE eligibility and a subcontract or contract has not been executed before a decertification notice is issued to the DBE firm by its certifying agency, the ineligible firm does not count toward the contract goal. The contractor must meet the contract goal with an eligible DBE firm or firms or demonstrate good faith effort. When a subcontract is executed with the DBE firm before the Department notified the firm of its ineligibility, the contractor may continue to use the firm on the contract and may continue to receive credit toward the DBE goal for the firm's work.

Notifying the Contractor of DBE Certification Status:

Each DBE contract of any tier shall require any DBE subcontractor or supplier that is either decertified or certified during the term of the contract to immediately notify the contractor and all parties to the DBE contract in writing, with the date of decertification or certification.

The contractor shall require that this provision be incorporated in any contract of any tier in which a DBE is a participant.

Commercially Useful Function:

A DBE performs a CUF when it is responsible for execution of the work of a contract and carries out its responsibilities by actually performing, managing, and supervising the work involved. To perform a commercially useful function, the DBE must also be responsible, with respect to materials and supplies on the contract, for negotiating price, determining quality and quantity, ordering the material, and installing (where applicable) and paying for the material itself that it uses on the project. To determine whether a DBE is performing a commercially useful function, the Department will evaluate the amount of work subcontracted, industry practices, whether the amount the firm is to be paid under the contract is commensurate with the work it is actually performing and the DBE credit claimed for its performance of the work, and other relevant factors.

A DBE will not be considered to perform a commercially useful function if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of DBE participation. In determining whether a DBE is such an extra participant, the Department will examine similar transactions, particularly those in which DBEs do not participate.

If a DBE does not perform or exercise responsibility for at least 30 percent of the total cost of its contract with its own work force, or if the DBE subcontracts a greater portion of the work of a contract than would be expected on the basis of normal industry practice for the type of work involved, the Department will presume that the DBE is not performing a commercially useful function.

When a DBE is presumed not to be performing a commercially useful function as provided above, the DBE may present evidence to rebut this presumption. The Department will determine if the firm is performing a CUF given the type of

work involved and normal industry practices.

Decisions on CUF matters are subject to review by the federal funding agency, but are not administratively appealable to USDOT. In order to obtain this review the affected party must contact BECO in writing with the request for review within seven calendar days from the Department's written notice. BECO will transmit the request for review along with the any documentation to the appropriate federal agency.

The Department will notify the contractor, in writing, if it determines that the contractor's DBE subcontractor is not performing a CUF. The contractor will be notified within seven calendar days of the Department's decision.

Decisions on CUF may be appealed to the State Engineer. The appeal must be in writing and personally delivered or sent by certified mail, return receipt requested, to the State Engineer. The appeal must be received by the State Engineer no later than seven calendar days after the decision of BECO. BECO's decision remains in effect unless and until the State Engineer reverses or modifies BECO's decision. The State Engineer will promptly consider any appeals under this subsection and notify the contractor of the State Engineer's findings and decisions. Decisions on CUF matters are not administratively appealable to USDOT.

The Department will conduct project site visits on the contract to confirm that DBEs are performing a CUF. The contractor shall cooperate during the site visits and the Department's staff will make every effort not to disrupt work on the project.

Trucking:

The Department will use the following factors in determining whether a DBE trucking company is performing a commercially useful function. The DBE must be responsible for the management and supervision of the entire trucking operation for which it is responsible on a particular contract, and there cannot be a contrived arrangement for the purpose of meeting DBE goals.

The DBE must itself own and operate at least one fully licensed, insured, and operational truck used on the contract on every day that credit is to be given for trucking.

The contractor will receive credit for the total value of transportation services provided by the DBE using trucks it owns, insures and operates, and using drivers it employs.

The DBE may lease trucks from another DBE firm, including an owner-operator who is certified as a DBE. The DBE who leases trucks from another DBE receives credit for the total value of the transportation services.

The DBE may also lease trucks from a non-DBE firm, including an owner-operator. The DBE who leases trucks with drivers from a non-DBE is entitled to credit for the total value of the transportation services provided by non-DBE leased trucks with drivers not to exceed the value of transportation services on the contract provided by DBE-owned trucks or leased trucks with DBE employee drivers. Additional participation by non-DBE owned trucks with drivers receives credit only for the fee or commission paid to the DBE as a result of the lease agreement.

Example: DBE Firm X uses two of its own trucks on a contract. It leases two trucks from DBE Firm Y and six trucks from non-DBE firm Z. DBE credit would be awarded for the total value of transportation services provided by Firm X and Firm Y, and may also be awarded for the total value of transportation services provided by four of the six trucks provided by Firm Z. In all, full credit would be allowed for the participation of eight trucks. DBE credit could be awarded only for the fees or commissions pertaining to the remaining trucks Firm X receives as a result of the lease with Firm Z.

The DBE may lease trucks without drivers from a non-DBE truck leasing company. If the DBE leases trucks from a non-DBE leasing company and uses its own employees as drivers, it is entitled to credit for the total value of these hauling

services.

Example: DBE Firm X uses two of its own trucks on a contract. It leases three additional trucks from non-DBE Firm Z. Firm X uses its own employees to drive the trucks leased from Firm Z. DBE credit would be awarded for the total value of the transportation services provided by all five trucks.

For purposes of this section, a lease must indicate that the DBE has exclusive use of and control over the truck. This does not preclude the leased truck from working for others during the term of the lease with the consent of the DBE, so long as the lease gives the DBE absolute priority for use of the leased truck. Leased trucks must display the name and identification number of the DBE. Credit will be allowed only for those lease costs related to the time each truck is devoted to the project.

DBE credit for supplying paving grade asphalt and other asphalt products will only be permitted for standard industry hauling costs, and only if the DBE is owner or lessee of the equipment and trucks. Leases for trucks must be long term (extending for a fixed time period and not related to time for contract performance) and must include all attendant responsibilities such as insurance, titling, hazardous waste requirements, and payment of drivers.

Materials and Supplies:

The Department will credit expenditures with DBEs for material and supplies towards the DBE goal as follows. If the materials or supplies are obtained from a DBE manufacturer, 100 percent of the cost of the materials or supplies is credited. A manufacturer is defined as a firm that operates or maintains a factory or establishment that produces, on the premises, the materials, supplies, articles, or equipment required under the contract, and of the general character described by the specifications.

If the materials or supplies are purchased from a DBE regular dealer, 60 percent of the cost of the materials or supplies is credited. A DBE regular dealer is defined as a firm that owns, operates, or maintains a store or warehouse or other establishment in which the materials, supplies, articles, or equipment of the general character described by the specifications and required under the contract are bought, kept in stock, and regularly sold or leased to the public in the usual course of business. To be a regular dealer, the firm must be an established, regular business that engages, as its principal business and under its own name, in the purchase and sale or lease of the products in question. A firm may be a DBE regular dealer in such bulk items as petroleum products, steel, cement, stone or asphalt without owning, operating, or maintaining a place of business, as provided above, if the person both owns and operates distribution equipment for the products. Any supplementing of regular dealers' own distribution equipment shall be by a long-term lease agreement, and not on an ad-hoc or contract-by-contract basis. Packagers, brokers, manufacturers' representatives, or other persons who arrange or expedite transactions are not regular dealers within the meaning of this paragraph and the paragraph above.

With respect to materials or supplies purchased from a DBE which is neither a manufacturer nor a regular dealer, the Department will credit the entire amount of the fees or commissions charged by the DBE for assistance in the procurement of the materials and supplies, or fees or transportation charges for the delivery of materials or supplies required on a job site, toward DBE goals, provided the fees are determined to be reasonable and not excessive as compared with fees customarily allowed for similar services. The cost of the materials and supplies themselves may not be counted toward the DBE goal.

The Department will credit expenditures with DBEs for material and supplies (e.g. whether a firm is acting as a regular dealer or a transaction expeditor) towards the DBE goal on a contract-by-contract basis. The fact that a DBE firm qualifies under a classification (manufacturer, regular dealer or supplier) for one contract does not mean it will qualify for the same classification on another contract. The bidder shall be responsible for verifying whether a DBE qualifies as a DBE manufacturer, regular dealer or supplier. The bidder may contact BECO for assistance in this determination.

6. Effect of Contract Changes:**(EPRISE 19.0)**

If for any reason it becomes apparent that the DBE goal will not be met then the contractor shall: (1) immediately notify the Engineer and BECO of the potential or actual decrease in DBE compensation, and (2) make good faith efforts to obtain DBE participation to meet or exceed the project DBE goal. BECO will approve or deny the contractor's good faith efforts. Good faith efforts required under the provisions of this section may vary, depending on the time available, the nature of the change, who initiated the change, and other factors as determined by BECO.

The contractor is not required to take work committed to another subcontractor and assign it to a DBE subcontractor in order to meet the committed DBE percentage.

If the resulting change increases the scope or quantity of work being done by a DBE subcontractor, the DBE shall be given the opportunity to complete the additional work and receive additional compensation beyond their original subcontract amount.

The dollar amount of any changes to the contract that increase or decrease the work in which DBEs participation has been committed will be commensurately added to or subtracted from the total contract base figure used to compute actual dollars paid to DBEs. Revised total dollar values shall be reflected in the DBE system as part of the contractor and subcontractor payment reporting.

If as a result of changes, the scope or quantity of work being done by a DBE subcontractor is decreased, the contractor shall exercise good faith efforts to obtain additional DBE participation so that the resulting DBE participation will equal or exceed the contractor committed DBE percentage of the original contract as stated in the Intended Participation Affidavit Summary originally submitted after bid opening. The contractor is not required to take work committed to another subcontractor and assign it to a DBE subcontractor in order to meet the committed DBE percentage. The contractor shall follow the requirements of DBE Subsections 15 (Documented Good Faith Effort) and 24 (DBE Termination/Substitution).

If the resulting change increases the scope or quantity of work being done by a DBE subcontractor, the DBE shall be given the opportunity to complete the additional work and receive additional compensation beyond their original subcontract amount.

The contractor shall send a notice in writing to BECO with concurrence from the Engineer and the affected DBE, within 7 calendar days from the date a change in scope of the DBE contract was determined.

7. DBE Participation Above the Goal (Race Neutral Participation):**(EPRISE 20.0)**

Additional DBE participation above the DBE participation required to meet the contract DBE goal is an important aspect of the Department's DBE program. The contractor is strongly encouraged to use additional DBEs above the DBE goal requirement in the contract to assist the Department in meeting its overall DBE goal and help the Department to meet the maximum feasible portion of its DBE goals through race neutral participation as outlined in 49 CFR Part 26.

There are fewer administrative requirements on the part of the contractor when using race neutral DBEs (DBEs not listed on the DBE Intended Participation Affidavit Summary). For example, if a DBE is not listed on the DBE Intended Participation Affidavit Summary, the DBE does not have to submit an Affidavit, and the subcontract approval process follows the same process of any other subcontract. The contractor does not have to replace the race neutral DBE with another DBE subcontractor if the race neutral DBE fails to perform. Therefore these DBEs are treated as any other subcontractor on the project.

8. Required Provisions for DBE Contracts:**(EPRISE 21.0)**

All subcontracts of any tier, all supply contracts, and any other contracts in which a committed DBE is a party shall include, as a physical attachment, DBE Subcontract Compliance Assurances available on BECO's website.

Contractors executing agreements with subcontractors, DBE or non-DBE, that materially modify federal regulation and state statutes such as, payment and retention requirements, through subcontract terms and conditions will be found in breach of contract which may result in termination of the contract, or any other such remedy as the Engineer deems appropriate as outlined in DBE Subsection 2.0.

The Department reserves the right to conduct random reviews of DBE and non-DBE subcontract documentation to ensure compliance with federal requirements.

The contractor shall ensure that all subcontracts or agreements with DBEs to supply labor or materials require that the subcontract and all lower tier subcontracts be performed in accordance with 49 CFR Part 26.

9. Contract Performance:

(EPRISE 22.0)

Contract items of work designated by the contractor to be awarded to DBEs shall be performed by the designated DBE or a Department-approved DBE substitute. DBE contract work items shall not be performed by the contractor, or a non-DBE subcontractor without prior approval by BECO. The DBE must perform a commercially useful function; that is, the DBE must manage, perform, and supervise a distinct element of work.

The Contractor is required to use DBEs identified to meet the contract goal, so the prime contractor is responsible for ensuring that the DBEs are available to meet scheduling, work and other requirements on the contract.

The Department will visit the contract worksite to conduct reviews to ensure compliance with DBE requirements. The reviews may include, among other activities, interview of DBEs and their employees and the contractor and its employees. The contractor shall cooperate in the review and make its employees available. The contractor shall inform the Engineer in advance when each DBE will be working on the project to help facilitate reviews.

The Department reserves the right to inspect all records of the contractor and all records of the DBEs and non-DBE subcontractors concerning this contract. The contractor must make available a copy (or original version at the Department's discretion) of all documents related to all contracts to ADOT upon request.

In accordance with Subsection 108.01 of the specifications, the contractor shall provide to the Engineer, at the pre-construction conference, copies of all completed and signed subcontracts, purchase orders, invoices, etc., with all committed DBEs. These documents shall include the AZ UTRACS Registration number for the subcontractor or materials supplier.

Use of every DBE listed on the DBE Intended Participation Affidavit Summary is a condition of award. The contractor shall utilize the specific DBEs listed to perform the work and supply the materials for which each is listed on the Intended Participation Affidavit Summary unless the contractor obtains the Department's written consent. The contractor shall not be entitled to any payment for work or material that is not performed or supplied by the listed DBE, unless the Department has consented in writing.

10. Joint Checks:

(EPRISE 23.0)

Requirements:

A DBE subcontractor and a material supplier (or equipment supplier) may request permission for the use of joint checks for payments from the prime contractor to the DBE subcontractor and the supplier. Joint checks may be issued only if all the conditions in this subsection are met.

1. The DBE subcontractor must be independent from the prime contractor and the supplier, and must perform a commercially useful function. The DBE subcontractor must be responsible for negotiating the price of the material, determining quality and quantity, ordering the materials, installing (where applicable), and paying for the material. The DBE subcontractor may not be utilized as an extra participant in a transaction, contract, or project in order to obtain the appearance of DBE participation.
2. The use of joint checks will be allowed only if the prime contractor, DBE subcontractor, and material supplier establish that the use of joint checks in similar transactions is a commonly recognized business practice in the industry, particularly with respect to similar transactions in which DBE's do not participate.
3. A material or supply contract may not bear an excessive ratio relative to the DBE subcontractor's normal capacity.
4. There may not be any exclusive arrangement between one prime and one DBE in the use of joint checks that may bring into question whether the DBE is independent of the prime contractor.
5. Any arrangement for joint checks must be in writing, and for a specific term (for example, one year, or a specified number of months) that does not exceed a reasonable time to establish a suitable credit line with the supplier.
6. The prime contractor may act solely as the payer of the joint check, and may not have responsibility for establishing the terms of the agreement between the DBE subcontractor and the supplier.
7. The DBE must be responsible for receiving the check from the prime contractor and delivering the check to the supplier.
8. The prime contractor cannot require the DBE subcontractor to use a specific supplier, and the prime contractor may not participate in the negotiation of unit prices between the DBE subcontractor and the supplier.

Procedure and Compliance:

1. The Business Engagement and Compliance Office must approve the agreement for the use of joint checks in writing before any joint checks are issued. The prime contractor shall submit a DBE joint check request form, available from the BECO website, along with the joint check agreement, to BECO through email within seven calendar days from the time the subcontract is executed.
2. After obtaining authorization for the use of joint checks, the prime contractor, the DBE, and the supplier must retain documentation to allow for efficient monitoring of the agreement.
3. Copies of canceled checks must be submitted, with the payment information for the period in which the joint check was issued, electronically through email to BECO, and made available for review at the time of the onsite CUF review. The prime contractor, DBE, and supplier each have an independent duty to report to the Department in the case of any change from the approved joint check arrangement.
4. Any failure to comply will be considered by the Department to be a material breach of this contract and will subject the prime contractor, DBE, and supplier to contract remedies and, in the case of serious violations, a potential for termination of the contract, reduction or loss of prequalification, debarment, or other remedies which may prevent future participation by the offending party.

11. DBE Termination/Substitution:**(EPRISE – 24.0)**

General Requirements:

The contractor shall make all reasonable efforts to avoid terminating or substituting a DBE listed on the DBE Intended Participation Affidavit Summary. At a minimum, the contractor shall negotiate in good faith, give timely notices and/or extend deadlines to the extent that it will not jeopardize the contract with the Department. Reasonable methods to resolve performance disputes must be applied and documentation provided to the Department before attempting to substitute or terminate a DBE.

Contractor Notice of Termination/Substitution:

All terminations, substitutions, and reductions in scope of work to be performed by DBEs listed on the DBE Intended Participation Affidavit Summary must be approved in writing by BECO. The contractor shall contact the Department promptly at the first sign of any reason for DBE termination/substitution.

The contractor shall not terminate a DBE subcontractor listed on the DBE Intended Participation Affidavit or complete the work contracted to the DBE with its own forces or with a non-DBE firm without the Department's written consent. Before submitting a formal request to the Department for DBE termination/substitution, the contractor shall give written notice to the DBE subcontractor with a copy to BECO of its intent to terminate or substitute the DBE identifying the reason for the action. The notice shall include the deadline for the DBE to submit a written response advising the contractor and BECO of its position, which shall be a minimum of five calendar days after the notice is given. Notice is deemed to be given on the date of hand delivery or email to the DBE, or five calendar days after deposit in the mail. The Department will consider both the contractor's request and the DBE firm's response before approving the contractor's termination and substitution request.

Contractor Request for Termination/Substitution:

The contractor shall formally request the termination or substitution of a DBE listed on the DBE Intended Participation Affidavit Summary by submitting the DBE Termination/Substitution Request form, available from the BECO website, and supporting documentation to BECO. The submission shall include the following information:

- 1) The date the contractor determined the DBE to be unwilling, unable or ineligible to perform.
- 2) A brief statement of facts describing the situation and citing specific actions or inaction by the DBE firm giving rise to contractor's assertion that the DBE firm is unwilling, unable, or ineligible to perform.
- 3) A brief statement of the good faith efforts undertaken by the contractor to enable the DBE firm to perform.
- 4) The total dollar amount currently paid for work performed by the DBE firm.
- 5) The total dollar amount remaining to be paid to the DBE firm for work completed, but for which the DBE firm has not received payment, and over which the contractor and the DBE firm have no dispute.
- 6) The projected date that the contractor requires a substitution or replacement DBE to commence work, if consent is granted to the request.
- 7) The DBE's response to the notice of intent to terminate. If there is no response from the DBE within the time allowed in the notice of intent to terminate, the contractor shall state that no response was received.

Any requests for substitutions or terminations of DBEs shall be made on the forms provided online by BECO.

Written consent for terminating the performance of any DBE listed on the DBE Intended Participation Affidavit Summary will be granted only where the contractor can demonstrate good cause showing that the DBE is unable, unwilling, or ineligible to perform. Such written consent to terminate any DBE shall concurrently constitute written consent to substitute or replace the terminated DBE. Termination or substitution of a DBE listed on the DBE Intended Participation Affidavit Summary will not be allowed based solely on a contractor's ability to negotiate a more advantageous contract with another subcontractor. The Department will consider both the contractor's request and

DBE's response and explanation before approving the contractor's termination and substitution request.

Good Cause:

The Department will make the determination of good cause by providing written consent to the contractor after evaluating the contractor's good cause to terminate or substitute a DBE firm. Good cause for this purpose includes the following in relation to the listed DBE subcontractor:

1. Fails or refuses to execute a written contract.
2. Fails or refuses to perform the work of its subcontract in a way consistent with normal industry practice standards. However, good cause does not exist if the failure or refusal of the DBE subcontractor to perform its work on the subcontract results from the bad faith or discriminatory action of the prime contractor.
3. Fails or refuses to meet the prime contractor's reasonable, nondiscriminatory bond/insurance requirements.
4. Becomes bankrupt, insolvent, or exhibits credit unworthiness.
5. Is ineligible to work on public works projects because of suspension and debarment proceedings pursuant to federal or state law.
6. Is not a responsible contractor.
7. Voluntarily withdraws from the project and provides written notice of its withdrawal to the Department.
8. Is ineligible to receive DBE credit for the type of work required.
9. A DBE owner dies or becomes disabled with the result that the firm is unable to complete its work on the contract.
10. Other documented good cause that the Department determines compels the termination or substitution of the DBE subcontractor.

DBE Termination/Substitution Good Faith Effort:

If the Department approves the termination of a DBE, the contractor shall make good faith efforts to find another DBE subcontractor to substitute for the original DBE. The good faith efforts as identified in DBE Subsection 15.0 shall be directed at finding another DBE to perform at least the same amount of work under the contract as the DBE that was terminated, to the extent needed to meet the contract goal. If a replacement DBE is not identified for the original DBE's work, the good faith efforts shall be documented and provided, upon request, to the Department within seven calendar days from the date the Department approves the termination. The Department will review when the termination was made, the nature of the efforts to replace the terminated DBE, and other factors as determined by BECO.

A prime contractor's inability to find a replacement DBE at the original price is not alone sufficient to support a finding that good faith efforts have been made to replace the original DBE. The fact that the contractor has the ability and/or desire to perform the contract work with its own forces does not relieve the contractor of the obligation to make good faith efforts to find the replacement DBE, and it is not a sound basis for rejecting a perspective replacement DBE's reasonable quote.

The termination of a DBE firm shall not relieve the contractor of its obligations under this Special Provision, and the unpaid portion of the terminated DBE firm's subcontract will not be counted toward the DBE goal.

If the Department has eliminated items of work subcontracted to a committed DBE, the prime contractor shall still make good faith efforts to replace the DBE with another DBE to the extent necessary to meet the goal. The Department will review the quality, thoroughness, and intensity of those efforts and give consideration to when the change was made, the nature of the change, and other factors as determined by BECO.

When a DBE substitution is necessary, the contractor shall submit an amended DBE Intended Participation Affidavit and Intended Participation Affidavit Summary to BECO for approval with the substitute DBE's name, description of work, NAICS code, AZ UTRACS registration number, and dollar value of work to the Engineer and the Department's BECO.

Approval from BECO must be obtained prior to the substituted DBE beginning work.

Sanctions:

Failure by the contractor to carry out the requirements of the Department's DBE Termination/Substitution specifications is a material breach of contract and will result in such remedies as the Department deems appropriate, which will include, but are not limited to the assessment of liquidated damages. The Department will deduct from monies due or becoming due the contractor, the dollar amount of the wrongfully substituted/replaced DBE subcontract plus 25% of the amount remaining to be paid to the DBE as liquidated damages. These liquidated damages shall be in addition to all other retention or liquidated damages provided for elsewhere in the contract.

12. Certification of Final DBE Payments:

(EPRISE 25.0)

The contractor's achievement of the goal is measured by actual payments made to the DBEs. The contractor shall submit the "Certification of Final DBE Payments form for each DBE firm working on the contract. This form shall be signed by the contractor and the relevant DBE, and submitted to the Engineer no later than 30 days after the DBE completes its work.

ADOT will use this certification and other information available to determine applicable DBE credit allowed to date by the contractor and the extent to which the DBE firms were fully paid for that work. By the act of filing the forms, the contractor acknowledges that the information is supplied in order to justify the payment of state and federal funds to the contractor.

The contractor will not be released from the obligations of the contract until the "certification of Final DBE Payment" forms are received and deemed acceptable by the Engineer and BECO.

13. False, Fraudulent, or Dishonest Conduct:

(EPRISE 27.0)

In addition to any other remedies or actions, the Department will bring to the attention of the US Department of Transportation any appearance of false, fraudulent, or dishonest conduct in connection with the DBE program, so that USDOT can take steps such as referral to the Department of Justice for criminal prosecution, referral to the USDOT Inspector General for possible initiation of suspension and debarment proceedings against the offending parties or application of "Program Fraud and Civil Penalties" rules provided in 49 CFR Part 31.



ARIZONA DEPARTMENT OF TRANSPORTATION
DISADVANTAGED BUSINESS ENTERPRISE (DBE)
Joint Check Request

TRACS No(s).: _____ Project/Contract No.: _____
Prime Name: _____ AZ UTRACS Registration No.: _____
DBE Firm: _____ AZ UTRACS Registration No.: _____
Material Supplier: _____ AZ UTRACS Registration No.: _____
Requestor: _____ Email: _____ Phone Number: _____

ADOT will closely monitor the use of joint checks. To receive DBE credit for performing a commercially useful function with respect to obtaining materials and supplies, a DBE must "be responsible for negotiating price, determining quality and quantity, ordering the material and installing (where applicable) and paying for the material itself." Only when a DBE meets all of these requirements should credit be counted for the procurement of the items by the DBE. Please refer to the DBE Special Provisions Section 23 Joint Checks for qualifying conditions. If proper procedures are not followed or ADOT determines that the arrangement results in lack of independence for the DBE involved, no credit for the DBE's participation as it relates to the material cost will be counted toward the contract goal requirement.

I have read and understand the above information and have attached a copy of the Joint Check Agreement relating to this request. I hereby acknowledge that the information provided on this form is true and accurate.

_____ Authorized DBE Representative (print name)	_____ Signature	_____ Date
_____ Authorized Prime Representative (print name)	_____ Signature	_____ Date
_____ Authorized Material Supplier Representative (print name)	_____ Signature	_____ Date

FOR BECO USE ONLY

Request is: Approved ☐ Not Approved ☐

BECO Representative: _____

Signature: _____

Date: _____



ARIZONA DEPARTMENT OF TRANSPORTATION
JOINT CHECK AGREEMENT

TRACS No(s).: _____ Project/Contract No.: _____

1. _____ is the general contractor on the project known as _____ ("Project"), and which is being constructed for Arizona Department of Transportation ("Owner").
2. Contractor has entered a Subcontract agreement dated the _____ day of _____, _____ with _____ ("Subcontractor") for the performance of the following work on the project: _____.
3. _____ ("Vendor") is supplying the following materials to the Subcontractor pursuant to a Purchase order or other contract dated _____, and for use in connection with Subcontractor's work on the project: _____.
4. Subcontractor or Vendor hereby requests Contractor to issue joint checks payable to Subcontractor and Vendor. The total amounts sought in Subcontractor's Payment Application reflect the value of material furnished by the Vendor to the Subcontractor for use on the project.
5. Contractor's agreement to issue checks is conditioned upon the following:
 - 5.1. Subcontractor's submittal of an Application for Payment, consistent with the terms and conditions of the Subcontract, seeking payment of amounts owed by Subcontractor to Vendor and requesting the issuance of a check for such amount made jointly payable to Subcontractor and Vendor.
 - 5.2. Contractor's approval of the Subcontractor's Payment Application.
 - 5.3. Contractor's receipt of funds from the Owner to pay the referenced Application for Payment, including that portion sought to pay for the materials furnished by the Vendor.
 - 5.4. The issuance by Vendor to Subcontractor of releases waiving any right to assert claims or liens arising out of the materials for which the joint check is requested. The occurrence of each of the foregoing shall constitute a condition precedent to Contractor's obligation to issue such checks.
 - 5.5. Nothing contained herein shall relieve Subcontractor of its primary liability to Vendor for payment of amounts owed to Vendor for materials furnished for use on the Project, and except as expressly stated herein, Contractor has no liability of any kind to Vendor.
6. All payments made pursuant to this Agreement shall constitute credits against the Subcontract Amount.
7. The total amount of all joint checks to be issued under this Agreement shall not exceed \$ _____ and once said amount is reached, Contractor shall be under no obligation to issue any additional joint checks hereunder.
8. This Agreement applies only for the duration of the above referenced Project.
9. Checks issued hereunder shall be furnished to Subcontractor for its endorsement and distribution to Vendor.

SO AGREED this _____ day of _____, _____.



ARIZONA DEPARTMENT OF TRANSPORTATION
JOINT CHECK AGREEMENT

_____ Authorized Prime Representative (print name)	_____ Signature	_____ Date
_____ Authorized Subcontractor Representative (print name)	_____ Signature	_____ Date
_____ Authorized Material Supplier Representative (print name)	_____ Signature	_____ Date

State of Arizona)

County of _____)

On this ____ day of _____, 20____, before me personally appeared _____,
[Day] [Month] [Year] [Name of Signer]

_____, and _____ whose identity was proven to me
[Name of Signer] [Name of Signer]

on the basis of satisfactory evidence to be the person who he or she claims to be, and acknowledged that he or she signed the above/attached document.

(seal)

Notary Public Signature

Note: Once finalized, send this agreement to BECO at contractorcompliance@azdot.gov.



**ARIZONA DEPARTMENT OF TRANSPORTATION
DISADVANTAGED BUSINESS ENTERPRISE (DBE)
TERMINATION/SUBSTITUTION REQUEST**

Contract/TRACS No.: _____ Mod: _____ Task Order: _____

Prime: _____ AZ UTRACS Registration No.: _____

DBE Firm: _____ AZ UTRACS Registration No.: _____

Requestor: _____ Email: _____ Phone Number: _____

Type of request: ☐ Termination ☐ Substitution ☐ Reduction

1. Is this request due to an ADOT Change Order/Scope?

☐ **Yes**, explain below the Change Order/Scope impact on DBE participation.

☐ **No**, select below the fact(s) and the reason(s) for the request (see attached instructions). **DBE:**

- ☐ Fails or refuses to execute written contract
- ☐ Fails or refuses to perform work in accordance with normal industry standards
- ☐ Fails or refuses to meet prime contractor's reasonable, nondiscriminatory bond requirements
- ☐ Becomes bankrupt, insolvent or exhibits credit unworthiness
- ☐ Is ineligible to work because of suspension or debarment proceedings
- ☐ Is not a responsible contractor
- ☐ Voluntarily withdraws from the project and provides to the Department written notice of its withdrawal
- ☐ Is ineligible to receive DBE credit for the type of work required
- ☐ Owner dies or becomes disabled resulting in inability to complete its work on the contract
- ☐ Other documented good cause (Attach documentation)

Attach a brief statement of facts describing the situation and any documentation to substantiate selection above.

2. Date determined the DBE is unwilling, unable or ineligible to perform: _____

3. Date of Written Notice to DBE: _____ *Attach notice with this request, along with the DBE response.*

4. Original DBE award amount: \$ _____ **Remaining DBE award amount:** \$ _____

5. Amount owed to the DBE for work completed: \$ _____

6. Proposed Sub Name (if applicable): _____

7. Projected date for replacement Sub to commence work: _____

8. Is the proposed replacement an Arizona certified DBE?

☐ **Yes**, please provide new DBE Affidavit (AZ UTRACS Registration No.: _____).

☐ **No**, provide Good Faith Effort (GFE) brief statement and documentation.

9. Is this project scheduled to meet the assessed DBE goal? ☐ **Yes** ☐ **No** (Provide DBE utilization summary)

Original DBE Sub Signature

Date:

Prime Signature

Date:

ADOT RE/PM Signature

Date:

FOR BECO USE ONLY

Request is: Approved ☐ Not Approved ☐

BECO Representative: _____

Signature: _____

Date: _____



**ARIZONA DEPARTMENT OF TRANSPORTATION
DISADVANTAGED BUSINESS ENTERPRISE (DBE)
TERMINATION/SUBSTITUTION REQUEST**

INSTRUCTIONS

* Terms used on this form, *contractor* and *subcontractor* are synonymous with *consultant* and *subconsultant* respectively.

The contractor shall follow the DBE Special Provisions Section 24 when determining to terminate/substitute a DBE listed on the DBE Intended Participation Affidavit Summary. The contractor shall make all reasonable efforts to avoid termination or substitution of a DBE listed on the DBE Intended Participation Affidavit Summary. All terminations, substitutions, and reduction in scope must be approved in writing by ADOT's Business Engagement and Compliance Office's (BECO).

Before submitting this form to BECO complete the following:

- Submit a written notice to the DBE and a copy to BECO
- Allow the DBE a minimum of five days to respond
- Include the DBE response with this form
- GFE and supporting documentation
- Revise DBE Affidavits

The contractor must demonstrate good faith efforts to replace a committed DBE firm, which does not perform as intended, with another committed DBE firm. Reasonable methods to resolve performance disputes must be applied. Replacement of DBEs without BECO's prior written approval is a material breach of the contract.

If a DBE subcontractor is approved to be terminated or fails to complete its work on the contract for any reason, the prime contractor will make good faith efforts to find another DBE subcontractor to replace the original DBE. The good faith efforts will be directed at finding another DBE to perform **at least** the same amount of work under the contract as the DBE that was terminated or replaced, to the extent needed to meet the contract goal established for the project.

When a DBE substitution is necessary, the contractor shall submit an amended DBE Intended Participation Affidavit and Intended Participation Affidavit Summary to BECO for approval with the substitute DBE's name, description of work, NAICS code, AZ UTRACS registration number, and dollar value of work to the Engineer and the Department's BECO. Approval from BECO must be obtained prior to the substituted DBE beginning work.

ARIZONA DEPARTMENT OF TRANSPORTATION

CONSTRUCTION

CERTIFICATION OF FINAL DISADVANTAGED BUSINESS ENTERPRISE (DBE) PAYMENTS

(Submit form for each DBE working on the contract)

The undersigned Contractor on TRACS No. _____ hereby, certifies that full payment was made, to the firm indicated for material and/or work performed under this project's contract as follows:

DBE FIRM AZ UTRACS Registration # _____

Name of DBE Firm _____ was paid the amount of _____

This certificate is made under Federal and State Laws concerning false statement. Supporting documentation for this payment is subject to audit and should be retained for a minimum of three years from project acceptance date. In the event the DBE was not paid in accordance with affidavits submitted by the prime contractor, all documentation supporting the contractor's position should be submitted.

I DECLARE UNDER PENALTY OF PERJURY IN THE SECOND DEGREE, AND ANY OTHER APPLICABLE STATE OR FEDERAL LAWS, THAT THE STATEMENTS MADE ON THIS DOCUMENT ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

Contractor Company Name: _____

Check One: ☐ Prime Contractor ☐ Subcontractor

Name: _____

Title: _____

Signature: _____

Date: _____

The undersigned subcontractor/supplier/manufacture for the above named project hereby certified that payments were received and/or justification by the contractor is correct.

I DECLARE UNDER PENALTY OF PERJURY IN THE SECOND DEGREE, AND ANY OTHER APPLICABLE STATE OR FEDERAL LAWS, THAT THE STATEMENTS MADE ON THIS DOCUMENT ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

DBE Firm Name: _____

Check One: ☐ Subcontractor/Supplier/Manufacturer ☐ Lower-tier Subcontractor/Supplier/Manufacturer

Name: _____

Title: _____

Signature: _____

Date: _____

CONTRACTORS CHECKLIST FOR CONSTRUCTION CONTRACTS WITH DBE GOALS

PRE-BID	ACTION
<input type="checkbox"/> Designate a DBE Liaison	<ul style="list-style-type: none"> • Person shall be involved in contractor's DBE Program or DBE recruitment and coordination activities
<input type="checkbox"/> Perform good faith efforts to secure DBE subcontractors	<ul style="list-style-type: none"> • Refer to ADOT GFE Guide and 49 CFR Appendix A for guidance • Use additional DBEs to anticipate reductions in DBE awards and provide race-neutral participation • Contact BECO for assistance in finding DBEs if needed
PRE-AWARD - BID OPENING	
<input type="checkbox"/> DBE Assurance: Indicate if contractor will or will not meet DBE goal	<ul style="list-style-type: none"> • Indicate if contractor will or will not meet DBE goal • Submitted through electronic bidding • Cannot change goal declaration
PRE-AWARD - AFTER BID OPENING	
<input type="checkbox"/> Online Bidder's List (ALL bidders submit)	<ul style="list-style-type: none"> • Complete online form (AZ UTRACS.com) within 7 calendar days after bid opening - Submit confirmation email to ADOT BECO with 7 calendar days of bid opening • Identify all subs and other companies contacted, bid, or expressed interest in the project
<input type="checkbox"/> DBE Affidavits - Apparent low bidder	<ul style="list-style-type: none"> • Submit within 7 calendar days after bid opening; send early to ensure time is available to make corrections
<input type="checkbox"/> GFE Submission - Apparent low bidder	<ul style="list-style-type: none"> • Refer to ADOT GFE Guide and Appendix A for guidance • Submit within 7 calendar days after bid opening; send early to ensure submission meets deadline
POST-AWARD	
<input type="checkbox"/> Submit Executed Subcontracts of Committed DBEs at Pre-Con Meeting	<ul style="list-style-type: none"> • DBE Subcontract Compliance Assurances must be included in all DBE subcontracts
<input type="checkbox"/> Add Subcontractors in the DBE System after Pre-Con Meeting	<ul style="list-style-type: none"> • Add subcontractors in the DBE System no later than 15 calendar days after Pre-Con meeting
<input type="checkbox"/> Notify BECO if changes to the project will impact committed DBEs	<ul style="list-style-type: none"> • Notify RE and BECO if there are potential DBE reductions • Prime still expected to perform GFE in order to meet required DBE goal
<input type="checkbox"/> Prompt Payment	<ul style="list-style-type: none"> • Ensure subs are paid within 7 calendar days of prime's payment from ADOT • Sanctions imposed in accordance with Section 109.06(B)(8) <ul style="list-style-type: none"> ◦ 2x the disputed dollar amount not paid - Retained ◦ Retained amount will be returned if fully paid within 30 day ◦ 25% withheld as liquidated damages if payment made after 30 days • Additional Remedies: Failed to prompt payment for 3 consecutive months, or any 4 months over the course of a project, or 2 or more projects within 24 months <ul style="list-style-type: none"> ◦ Withhold monthly payments until issue is resolved and fullpayment is made to all subcontractors ◦ Terminate the contract for default ◦ Disqualify the contractor from future bidding

CONTRACTORS CHECKLIST FOR CONSTRUCTION CONTRACTS WITH DBE GOALS

POST-AWARD	
<input type="checkbox"/> Report payments to subcontractors by the 15th of the current month	<ul style="list-style-type: none"> • Sanctions imposed in accordance with Section 109.06(B)(5)(a) <ul style="list-style-type: none"> ◦ \$1000 for each reportable contract not reported by the 15th ◦ \$2000 for each reportable contract not reported after 90 days
<input type="checkbox"/> Subcontractors to confirm monthly payments in the DBE system	<ul style="list-style-type: none"> • Monitor DBE System to ensure subcontractors responded to audit and confirm payments by the end of the month
<input type="checkbox"/> Payment discrepancies in the DBE System	<ul style="list-style-type: none"> • Resolve any payment discrepancies in the DBE System immediately • Work with subcontractor to resolve discrepancies and payment disputes
<input type="checkbox"/> Commercially Useful Function for DBEs	<ul style="list-style-type: none"> • Ensure that DBE credit is received for DBEs performing a commercially useful function - See section 14.05 of EPRISE contract specifications for more details
<input type="checkbox"/> Request joint checks as needed	<ul style="list-style-type: none"> • Obtain approval to use joint checks by submitting the Joint Check Request and Joint Check Agreement to BECO no later than 7 calendar days after execution of subcontracts
<input type="checkbox"/> DBE Termination/Substitution	<ul style="list-style-type: none"> • Contact ADOT/BECO for any reasons of potential DBE termination/substitution within 24 hours • Give written notice to committed DBE of intent to terminate/substitute allowing a minimum of 5 days for DBE response; copy BECO • After response is received, submit DBE Termination/Substitution Form • Submit GFE AND revised DBE affidavits within 7 calendar days of request • Sanctions imposed in accordance with Section 24.06 if termination or substitution occurs without ADOT approval <ul style="list-style-type: none"> ◦ Total dollar amount of wrongfully substituted DBE, plus 25% of the dollar amount remaining to be paid to the DBE
<input type="checkbox"/> Monitor DBE utilization to meet the goal	<ul style="list-style-type: none"> • Ensure DBEs are on schedule to complete work according to DBE affidavits • Look for additional DBE opportunities throughout life of the project to increase DBE participation • Sanctions imposed in accordance with Section 26.0 for not meeting the goal without ADOT approval <ul style="list-style-type: none"> ◦ 2x the amount of the unobtained portion of the required goal
CLOSEOUT	
<input type="checkbox"/> Complete Certification of Payments Forms	<ul style="list-style-type: none"> • Submit within 30 days after DBE completes work to Field Office

If any assistance is needed, contact the Business Engagement and Compliance Office at (602)712-7761.



Business Engagement and Compliance

Payment Reporting Guide



FOR USE WITH THE ADOT DBE SYSTEM &
LPA CONTRACT MANAGEMENT SYSTEM

JUNE 1, 2016

INTRODUCTION

This guide is designed to assist with payment reporting in the Arizona Department of Transportation (ADOT) payment reporting systems. As one of the requirements for participation on federally-funded transportation projects, payment information shall be reported and verified in the following systems:

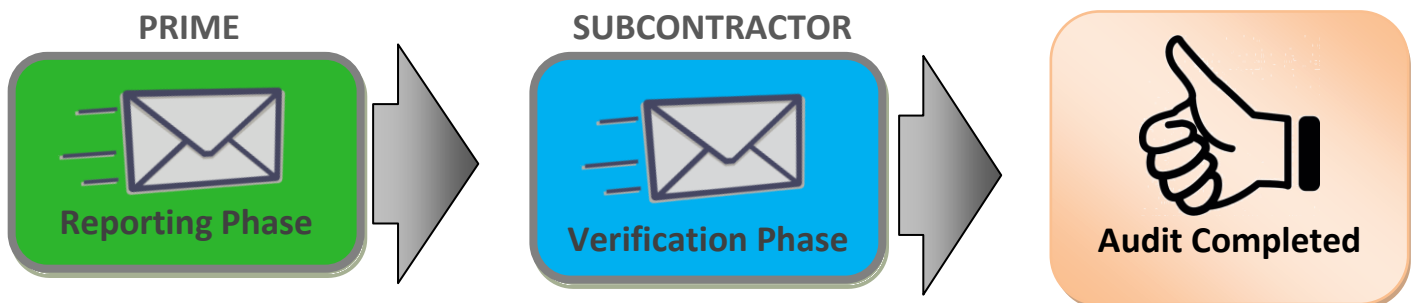
- ADOT DBE System: <https://adot.dbesystem.com>
- Arizona LPA Contract Management System: <https://arizonalpa.dbesystem.com>

For clarification on the terms used in this guide, *contractor* and *subcontractor* are synonymous with *consultant* and *subconsultant* respectively.

Monthly Payment Audit Cycle

1. Audit opens on the 1st of the month for previous month payments, (example: December audit opens on 1st of January).
2. Prime has until the 15th of the month to complete reporting phase.
3. Subcontractors and lower-tier subs have until the end of the month to complete verification phase. **Any payments not verified within 45 days will be automatically confirmed.**

Payment Audits						
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				



For additional assistance, please contact the Business Engagement and Compliance Office (BECO) at (602)712-7761 or send messages through the System directly to Support or the contract Compliance Officer.

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HOW TO REPORT PAYMENTS

1. The following notification is sent via email asking contractors to report payments made in the audit month; click the link in the email to respond.

From: Arizona Department of Transportation <adot@dbesystem.com>
Sent: Friday, May 27, 2016 4:31 PM
To: Contractor Compliance
Subject: ADOT: Prime Contractor Compliance Monitoring Report

Arizona Department of Transportation March 2016 Prime Contractor Contract Compliance Monitoring Report

Contract: BECO Test
Prime Contractor: ADOT On-Call Prime
Contract Number: 1970
Audit Time Period: March 2016
Contract Compliance Officer: Florentina Samartinean, (E) FSamartinean@azdot.gov, (P) 602-712-7415

Dear Contractor Compliance,

The Business Engagement and Compliance Office monitors participation on all Arizona Department of Transportation contracts with goals. To assist our office in the monitoring process, please login to your account in the Arizona Unified Transportation Registration and Certification System and provide the requested subcontractor payment information for March 2016.

If you have received this notice, then you are currently listed as a PRIME contractor on an active Arizona Department of Transportation contract. You are required to respond to this notice with the payment information requested.


To view the audit notice and respond, visit: <https://adot.dbesystem.com/?GO=397&TID=3981656>

To view all audit notices, visit: <https://adot.dbesystem.com/?GO=753&TID=3981656>

PLEASE REFER TO THE BOTTOM OF THIS NOTICE FOR ADDITIONAL HELP

Arizona Department of Transportation
Business Engagement and Compliance Office Disadvantaged Business Enterprise Program
http://www.azdot.gov/Inside_ADOT/CRO/DBEP.asp
<https://adot.dbesystem.com/>


2. After clicking the link, contractor will be directed to the System Login interface to sign in.



ADOT DBE System requires your DBE login (username/password)


[Home](#) [Help / Support](#)

The ADOT DBE System is part of the AZ UTRACS Transportation Business Portal. The ADOT DBE System should be accessed: 1) to report or verify payments on active ADOT projects, 2) to monitor contract compliance for federally funded contracts, 3) to submit new or renewal applications for DBE Certifications processed by ADOT (for all out-of-state firms and all firms not located in Pima or Maricopa Counties). Note: The Log In for the ADOT DBE System is different than the log in for the AZ UTRACS System.



ADOT DBE System


LOG IN



ADOT LPA System requires your LPA login (username/password)

[Home](#) [Help / Support](#)

The ADOT LPA system is part of the AZ UTRACS Transportation Business Portal. It is a web-based solution allowing Local Public Agencies to monitor contract compliance for federally funded Arizona DOT projects.



ADOT LPA DBE System

LOG IN

3. After successful login, click **Report subcontractor payment**; if you are not directed to the below screen, there are additional instructions on page 8 to assist with payment reporting.

Compliance Audit: Audit Notice for March 2016

Contract Main | View Contract | Subcontractors | Compliance Audit List | Compliance Audit Summary | Messages | Comments | Reports

Arizona Department of Transportation
1970: BECO Test
Prime: ADOT Contractor Compliance

Status: **Open**
6/12/2013 - 10/10/2020
Current Value: \$100,000

This is an audit notice for the contract listed below. Submit a response for each item listed below by clicking each link in the **Audit Actions** table. It is possible that some actions are not available at a specific time due to pending reports from other contractors.

Home

View »

Search »

Message »

Settings »

Help & Support »

Logout

Show All Hide All

Logged on as:
Contractor Compliance
ADOT Contractor Compliance

Audit Information

Time Period	March 2016
Date & Time Posted	Local: 5/27/2016 4:28:52 PM AZT System: 5/27/2016 6:28:52 PM CDT

Submit a response for each item listed below by clicking each link. It is possible that some actions are not available at a specific time. As the **prime contractor** your responsibility is to report payments made to subcontractors.

Audit Actions

Category	Action Required & Response Due Date
Prime Contractor	Report 4 subcontractor payments due by 6/10/2016 audit lock on 7/26/2016

Compliance Officer Information

Contact Person	Florentina Samartinean
Organization	Arizona Department of Transportation
User Number	30000085-122

Buyer/Project Manager Information

Contact Person	Contract Administrator
Department	Engineering Consultants Section
User Number	10001371-001

4. Payment reporting can be done all at once or individually.

Mark 4 Remaining Subcontractors as Zero

Submit ALL Incomplete Records

Report Error

Click button to submit multiple entries at once, and then go to #5.

Subcontractor Payments for March 2016

	Subcontractor	Certified	Type	Inc. in Goal	Actions	Paid Amount in March 2016	Confirmed	Total To March	Contract	Actual Percent
1	ADOT Test Vendor 7 Jane Smith adotest7@b2qnow.com P 602-325-9277, F 602-325-9277	No	Sub	No	Submit Response	Not Reported				20.000%
2	ADOT Test Vendor 8 Jeremy Irons adotvendor8@b2qnow.com P 602-325-9277, F 602-325-9277	No	Sub	No	Submit Response	Not Reported				0.000%
1	ADOT Test Vendor 8 Jeremy Irons adotvendor8@b2qnow.com P 602-325-9277, F 602-325-9277	No	Sub	No	Submit Response	Not Reported	--	\$2,000.00	5.000%	10.000%
1	Sub Flooring Oliver DeDoo karby@cox.net P 602-325-9766, F 602-325-9766	No	Sub	100% DBE	Submit Response	Not Reported	--	\$0.00	5.000%	0.000%

Click on each link to submit payments individually, and then go to #7.

Click subcontractor name to view payment history for this contract. Click contact person's name to send them a message.

Return to Audit Notice

5. After clicking **Submit ALL Incomplete** Records, enter all payment information at once.
6. Click **Save**, then click **OK** when message box pops up.

ADOT DBE System

Compliance Audit: Bulk Payment Reporting for March 2016

Contract Main | View Contract | Subcontractors | Compliance Audit List | Compliance Audit Summary | Messages | Comments | Reports

Arizona Department of Transportation
1970: BECO Test
Prime: ADOT Contractor Compliance

Status: Open
6/12/2013 - 10/10/2020
Current Value: \$100,000

Enter payments and related details. All lines do not have to be submitted at the same time. Payment details are visible to the subcontractor, comments and a compliance audit. Payment details are visible to the subcontractor, comments and a compliance audit.


Multiple tiers of subcontracts are present. Enter full amount paid to each subcontractor; do not deduct payments by each subcontractor. The system will automatically calculate the amounts to be allocated to each subcontractor. All subcontractors and lower tier subcontractors are notified to report payments to those subs. The prime contractor can also report these payments.

Subcontractor Payment Information

Subcontractor	Total Through February 2016	Payment for March 2016	Payment Date & Prompt Payment (within 7 days)	Payment Details & Comments
1 ADOT Test Vendor 7	\$4,000.00	\$ 1000.00	3/23/2016 <input checked="" type="radio"/> Y <input type="radio"/> N <input type="radio"/> N/A	Payment Detail: Check #23456; Inv. dated 2/29/16 Comments: Docs
2 ADOT Test Vendor 8	\$0.00	\$ 500.00	3/22/2016 <input checked="" type="radio"/> Y <input type="radio"/> N <input type="radio"/> N/A	Payment Detail: Check #234567 Comments: Docs
1 ADOT Test Vendor 8	\$2,000.00	\$ 0	 <input type="radio"/> Y <input type="radio"/> N <input type="radio"/> N/A	Payment Detail: Comments: Docs
1 Sub Flooring	\$0.00	\$ 2000.00	3/30/2016 <input checked="" type="radio"/> Y <input type="radio"/> N <input type="radio"/> N/A	Payment Detail: Check #87564; Jan invoice submitted 2/29/16. Comments: Waiver signed on 3/29/16 Docs

Save Return to Vendor List

7. After clicking individual **Submit Response** links, enter payment information.

 Home View » Search » Message » Settings » Help & Support » Logoff Show All Hide All Logged on as: Contractor Compliance ADOT Contractor Compliance	Audit Information Audit Time Period March 2016 Audit Number 00925687-005	Previous Payment Information Displayed are the payment totals for the audit period, and the total to that date. Total Paid Through February 2016 \$4,000.00 Amount Paid for February 2016 \$4,000.00 Total Retained Through February 2016 \$4,000.00 (does not include amounts paid to lower tier subcontractors) Amount Retained for February 2016 \$4,000.00 (does not include amounts paid to lower tier subcontractors)
	Subcontractor Information Subcontractor ADOT Test Vendor 7 Vendor Number 20110012 Subcontractor Tier Tier 1 subcontractor to ADOT Contractor Compliance	
	Audit Information Enter the audit amount for the designated time period. You can attached files or add comments, if necessary.	
	Amount PAID for March 2016 * <input type="text" value="\$ 1000.00"/> >> Do NOT enter invoice amount. >> Enter full amount paid; do not deduct payments by this subcontractor to its own subcontractors Payment Date * <input type="text" value="3/23/2016"/> >> Enter payment date if you made a payment for March 2016. >> If multiple payments were made, enter the date of the first payment. Prompt Payment? * >> Select a choice below if you made a payment for March 2016. <input checked="" type="radio"/> Yes - the subcontractor was paid within 7 days of payment from ADOT Contractor Compliance. <input type="radio"/> No - the subcontractor was not paid within 7 days of payment from ADOT Contractor Compliance. <input type="radio"/> N/A - we cannot determine if the subcontractor was paid promptly. Payment Detail Enter details of PAID check numbers (or ACH references) and amounts for March 2016. This information is optional but will speed up the confirmation process. Payment details are displayed to ADOT Test Vendor 7. Check #123456; Inv. dated 2/29/16 Supporting Documents Attached documents are not visible to ADOT Test Vendor 7. Comments (Optional) These comments are visible ONLY to your compliance officer. They are not visible to ADOT Test Vendor 7.	
<div style="text-align: right;"> <input type="button" value="Spell Check"/> <input type="button" value="Review"/> <input type="button" value="Cancel"/> </div>		

5. Enter payment amount, payment date, and payment promptness.
6. Enter check number or invoice numbers in **Payment Detail** field.
7. Upload any document by clicking **Attach File**.
8. Click **Review**.
9. Review content then click **Save**.
10. Complete steps 4 thru 9 to report on additional subcontractors.

11. After all subcontractor payments have been reported, click **Mark Remaining Subcontractors as Zero** if remaining subcontractors did not receive payment.

ADOT DBE System

Compliance Audit: August 2015

Contract Main | View Contract | Subcontractors | Compliance Audit List | Messages | Comments | Reports

1950-001.01: BECO Test
Prime: ADOT Contractor Compliance

Status: Open
7/18/2013 - 7/13/2018
Current Value: \$10,000

Listed are subcontractors assigned to this contract. Click the links to the right of the vendor's name to submit or edit a response. You must submit data on each subcontractor to complete the audit.

Audit Information

Audit Response Status	Not complete 1 sub response to be submitted Reporting deadline is 9/30/2015 Audit will be locked 11/15/2015
Audit Period	August 2015
Payment to Prime	\$2,000.00
Marked As Final Audit?	No (mark audit as final)

Audit Summary - Total Contract Through TODAY (9/16/2015)

	Award	Award Percent	Payments	Payments Percent	Difference (Payments - Award)
Prime Contract	\$10,000.00		\$7,000.00		
For Credit	\$600.00	6.000%	\$0.00	0.000%	6.000% below goal
For Credit to DBE Goal	\$600.00	6.000%	\$0.00	0.000%	6.000% below goal
Contract Progress	70%				
For Credit Progress					

Award values may not match due to differences between overall contract goal and subcontractor assignments.

Mark 1 Remaining Subcontractors as Zero

Mark Audit as Final

Submit ALL Incomplete Records

Report Error

The following instructions are used if the email notification was deleted. First, log into the DBE System at <https://adot.dbesystem.com>.

1. Click **View** in the left margin.
2. Click **My Contract Audits**.
3. Click on **Incomplete** to report payments; then go to step 3 in previous section.

ADOT DBE System

Contract Audits

Messages | Contract Audits | Bid Solicitations | Outreach

Displays all audits. Click the transaction number or status to view. To view **older audits**, select a different time period in the **Audit Period** drop down menu. To display only **incomplete audits**, select a different status in the **Current Status** drop down menu. Results may be listed on multiple pages.

☐ Show ONLY records assigned to you

1 - 2 of 2 records displayed: Previous Page < Page 1 > Next Page page 20

To **resort** click on column title. To **filter** click on the drop down menu.

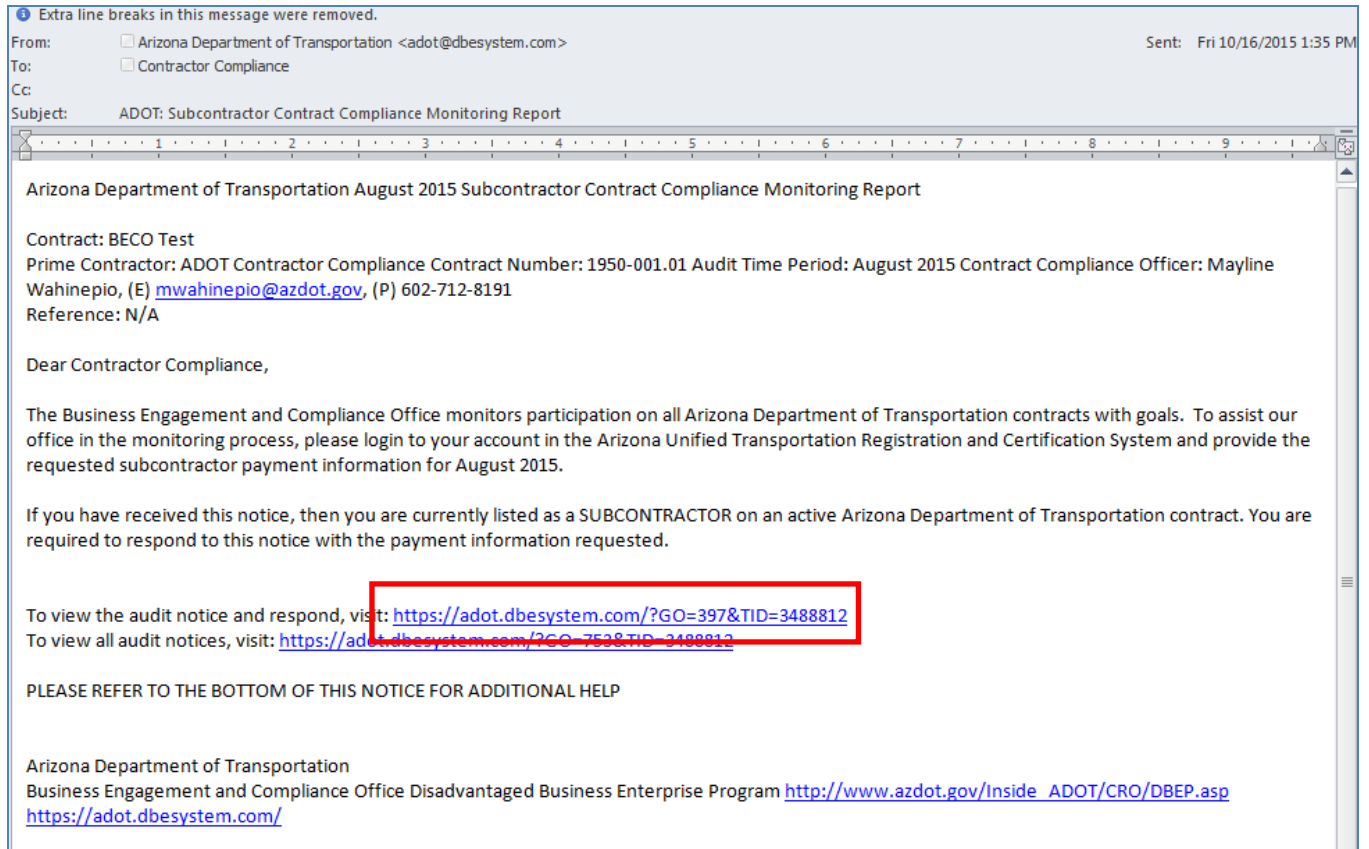
Show ALL Incomplete Audits

Click to find older audits if you are receiving a notification and the audit does not appear.

Status	Audit Period	Contract Number & Title	Paid to Prime
Incomplete	August 2015	1950-001.01: BECO Test	\$2,000.00
Incomplete	May 2015	1970.01: BECO Test	\$3,000.00

HOW TO VERIFY PAYMENTS

1. The following notification is sent via email asking contractors to report payments made in the audit month; click the link in the email to respond.



2. After clicking the link, contractor will be directed to the System Login interface to sign in. Go to page number 4 to see screen shots of the login interface for both Systems.

- Click **Confirm payment received**.

ADOT DBE System

Compliance Audit: Audit Notice for May 2015 [Help & Tools](#)

[Contract Main](#) [View Contract](#) [Subcontractors](#) [Compliance Audit List](#) [Messages](#) [Comments](#) [Reports](#)

Arizona Department of Transportation
 1970.01: BECO Test
 Prime: ADOT On-Call Prime

Status: **Open**
 7/18/2013 - 10/10/2020
 Current Value: **\$1,000,000**

This is an audit notice for the contract listed below. Submit a response for each item listed below by clicking each link in the **Audit Actions** table. It is possible that some actions are not available at a specific time due to pending reports from other contractors.

Audit Information

Time Period	May 2015
Date & Time Posted	Local: 6/3/2015 9:24:03 PM AZT System: 6/3/2015 11:24:03 PM CDT

Submit a response for each item listed below by clicking each link. It is possible that some actions are not available at a specific time. As a **subcontractor** your responsibility is to confirm payments made to you by the prime or higher level subcontractors.

Audit Actions

Category	Action Required & Response Due Date
Tier 1 Subcontractor to ADOT On-Call Prime	Sub: Confirm payment received due by 6/17/2015 (PAST DUE) audit lock on 6/14/2016

[Request Due Date Extension](#)

Compliance Officer Information

Contact Person	Florentina Samartinean
Organization	Arizona Department of Transportation
User Number	30000085-122

Buyer/Project Manager Information

Contact Person	Contract Administrator
Department	Engineering Consultants Section
User Number	10001371-001

Logged on as:
Contractor Compliance
ADOT Contractor Compliance

[Show All](#) [Hide All](#)

- Verify paid amount and any payment details provided by the prime.
- Click on **Show all options and fields** link.

Confirm Reported Amount? *

[Show all options and fields](#)

- Verify payment amount and details provided by the prime.

Audit Information

Amount Reported by the prime contractor for May 2015 as PAID to You

\$1,500.00

Payment Detail Provided by Prime:

Check #123

7. Confirm reported amount by clicking **Correct** or **Incorrect**.
8. Complete questions that correspond to the chosen selection.

Confirm Reported Amount? *	
Show all options and fields	<input type="radio"/> Correct - the amount reported by the prime contractor as PAID to us is correct (\$1,500.00).
	1. Payment Date: * <input type="text"/> (mm/dd/yyyy) » If multiple payments were received, enter the date of the first payment.
	2. Were you paid in accordance with the organization's prompt payment policy? * » According to our records, the prime contractor was paid on 5/27/2015.
	<input type="radio"/> Yes - we were paid within 7 days of the prime being paid on 5/27/2015. <input type="radio"/> No - we were not paid within 7 days of the prime being paid on 5/27/2015. <input type="radio"/> N/A - we cannot determine if we were paid promptly.
	3. Is the amount above a partial payment relative to your invoiced amount? * <input type="radio"/> Yes - we were partially paid. Enter the amount you invoiced: \$ <input type="text"/>
	<input type="radio"/> No - we were paid in full .
	<input type="radio"/> Incorrect - the amount reported by the prime contractor as PAID to us is not correct.
	<input type="radio"/> We received no payment in May 2015. <input type="radio"/> We were paid a different amount in May 2015 than reported (\$1,500.00).
	1. Enter the amount you actually received from the prime contractor in May 2015: * \$ <input type="text"/>
	2. Payment Date: * <input type="text"/> (mm/dd/yyyy) » If multiple payments were received, enter the date of the first payment.
3. Were you paid in accordance with the organization's prompt payment policy? * » According to our records, the prime contractor was paid on 5/27/2015.	
<input type="radio"/> Yes - we were paid within 7 days of the prime being paid on 5/27/2015. <input type="radio"/> No - we were not paid within 7 days of the prime being paid on 5/27/2015. <input type="radio"/> N/A - we cannot determine if we were paid promptly.	
4. Is the amount above a partial payment relative to your invoiced amount? * <input type="radio"/> Yes - we were partially paid. Enter the amount you invoiced: \$ <input type="text"/>	
<input type="radio"/> No - we were paid in full .	

9. Identify if payment is final or not – Selecting **Yes** will remove subcontractor from all future audits; only select **Yes** when certain that no future payments will be received on this project.

Final Payment? *	
	<input checked="" type="radio"/> No - our work on this contract continues. <input type="radio"/> Yes - this is our last payment for this contract. <input type="radio"/> N/A - we have not begun work on this project or we have not been paid yet for our work.

10. Identify if Prime is withholding retainage and the amount retained.
11. Attach file(s) as needed.
12. Enter comments pertaining to partial payment and anything else as necessary.
13. Be sure to check the confirmation statement, **"I am submitting this form with information that I understand to be correct and accurate."**

Is Prime Withholding Retainage? *

☒ No
☐ Yes

Attach File(s)

Attach File

Public Comments

These comments are visible to the compliance officer and the prime contractor.

Private Comments

These comments are visible ONLY to the compliance officer.

Confirmation

☒ Send me confirmation of my response.

☒ I am submitting this form with information that I understand to be correct and accurate.

Save Spell Check Cancel

14. Click on **Save** when complete.

The following instructions are used if the email notification was deleted. First, log into the DBE System at <https://adot.dbesystem.com>.

1. Click **View** in the left margin.
2. Click **My Contract Audits**.
3. Click on **Incomplete** to verify payments; then go to step 3 in previous section.

ADOT DBE System

Contract Audits

Messages | Contract Audits | Bid Solicitations | Outreach

Displays all audits. Click the transaction number or status to view. To view **older audits**, select a different time period in the **Audit Period** drop down menu. To display only **incomplete audits**, select a different status in the **Current Status** drop down menu. Results may be listed on multiple pages.

☐ Show ONLY records assigned to you

Show ALL Incomplete Audits

1 - 2 of 2 records displayed: Previous Page < Page 1 > Next Page

Records per page 20

To **resort** click on column title. To **filter** click on the drop down menu.

Status	Audit Period	Contract Number & Title	Paid to Prime
Incomplete	August 2015	1950-001.01: BECO Test	\$2,000.00
Incomplete	May 2015	1970.01: BECO Test	\$3,000.00

Click to find older audits if you are receiving a notification and the audit does not appear.

HOW TO VIEW INCOMPLETE SUBCONTRACTOR AUDITS

- Go to **Contract Audits** to see if subcontractors completed their verifications; click on Contract Audits link in the Dashboard or My Contract Audits under View tab.

ADOT DBE System

Dashboard Displaying records assigned to **your company**

Contract

Total	2
Open	2
Contract Audits	
Total	< 90 days > 90 days
Total Audits	3 0 3
Incomplete Audits	1 0 1

Certification Center

If your firm holds active certifications (SBE/MBE/WBE/DBE/HUB/etc) from any organization, [submit a request](#) to add them to your account.

- Select the audit to review and click **Audit complete**.

ADOT DBE System

Contract Audits

Messages Contract Audits Bid Solicitations Outreach

Displays all audits. Click the transaction number or status to view details. To display only incomplete audits, click the **Incomplete** link in the Audit Period drop down menu. Results may be listed on multiple pages.

☐ Show ONLY records assigned to you

1 - 3 of 3 records displayed: Previous Page < Page 1 > Next Page Records per page 20

To **resort** click on column title. To **filter** click on the drop down menu.

Status	Audit Period	Contract Number & Title	Organization	Paid to Prime
All	All	All	All	
Audit complete	February 2016	1970: BECO Test	Arizona Department of Transportation	\$10,000.00
Audit complete	December 2015	1970.01: BECO Test	Arizona Department of Transportation	\$2,000.00
Incomplete	May 2015	1970.01: BECO Test	Arizona Department of Transportation	\$3,000.00

Click to list in ascending or descending order.

- Click **View audit responses** link.

ADOT DBE System

Audit Information

Time Period February 2016

Date & Time Posted Local: 3/2/2016 10:38:57 AM AZT System: 3/2/2016 11:38:57 AM CST

Submit a response for each item listed below by clicking each link. It is possible that some actions are not available at a specific time. As the **prime contractor** your responsibility is to report payments made to subcontractors.

Audit Actions

Category	Action Required & Response Due Date
Prime Contractor	View audit responses

Compliance Officer Information

Contact Person [Florentina Samartinean](#)

Organization Arizona Department of Transportation

User Number [30000085-122](#)

Buyer/Project Manager Information

Contact Person [Contract Administrator](#)

Department Engineering Consultants Section

User Number [10001371-001](#)

4. Scroll down to view incomplete subcontractor audits.

Subcontractor Payments for February 2016										
	Subcontractor	Certified	Type	Inc. in Goal	Actions	Paid Amount in February 2016	Confirmed by Sub	Total To February 2016	Contract Goal	Actual Percent
1	ADOT Test Vendor 7 Jane Smith adotest7@b2qnow.com P 602-325-9277, F 602-325-9277	No	Sub	No	View Edit	\$4,000.00	Pending	\$4,000.00	15.000%	40.000%
2	ADOT Test Vendor 8 Jeremy Irons adotvendor8@b2qnow.com P 602-325-9277, F 602-325-9277	No	Sub	No	View Edit	\$0.00	✓			0.000%
1	ADOT Test Vendor 8 Jeremy Irons adotvendor8@b2qnow.com P 602-325-9277, F 602-325-9277	No	Sub	No	View Edit	\$2,000.00	Pending	\$2,000.00		20.000%
1	Sub Flooring Cris Camacho crissub@b2qnow.com P 602-325-9277, F 602-325-9666	No	Sub 100%	✓ DBE	View Edit	\$0.00	✓			0.000%

Click subcontractor name to view payment history for this contract. Click contact person's name to send them a message.

[Return to Audit Notice](#)

HOW TO ADD SUBCONTRACTORS

1. Click on **View** in the left margin.
2. Click on **My Contracts**.
3. Identify the contract to add a subcontractor and click **View**.

Vendor Profile: Contracts

Business Name: **ADOT Contractor Compliance**

[Main](#) | [General Info](#) | [Public Profile](#) | [Users](#) | [Commodity Codes](#) | [Contacts](#) | [Employees](#) | [Certifications](#) | [Contract](#) | [Workforce Composition/EEO](#) | [AZUTRACS Registrations](#)

Listed below are the contracts to which this vendor is assigned.

Contracts as Prime Contractor			
Actions	Contract Number & Title	Contracting Organization	Prime Contractor
View	1950-001: BECO Test	Arizona Department of Transportation	Contractor Compliance
View	1950-001.01: BECO Test	Arizona Department of Transportation	Contractor Compliance

Contracts as Subcontractor			
Actions	Contract Number & Title	Contracting Organization	Sub Contact
View	1970.01: BECO Test	Arizona Department of Transportation	Contractor Compliance (change)

4. Click **Subcontractors** tab at the top.
5. Click **Add First Tier Subcontractor** button.

Contract Management: Subcontractor List

[Contract Main](#) | [View Contract](#) | [Subcontractors](#) | [Compliance Audit List](#) | [Messages](#) | [Comments](#) | [Reports](#)

1950-001.01: BECO Test
Prime: ADOT Contractor Compliance

Status: **Open**
7/18/2013 - 7/13/2018
Current Value: **\$10,000**

All subcontractors assigned to this contract are listed below. [Refresh Page](#)

Subcontractor List								
	Subcontractor Name	Certified	Current Award	Type	Inc. in Goal	Compliance Audit	Final Pmnt	Actions
1	ADOT Test Vendor 7		\$3,000	Sub	No		No	Add Sub

Add First Tier Subcontractor

Subcontractor Addition Requests

No subcontractor additions requested.

- Click **Get Vendor**.

ADOT DBE System

* required entry

Vendor Information

Type name of vendor:
 - use * before and after text for wildcard (e.g. *acme*)
 - not case sensitive, but punctuation and spaces are important
 - after selecting vendor, the contact and address fields will auto-fill

Vendor *

or **Get Vendor** from vendor database

Vendor Compliance Contact *

None selected ▼

- Enter firm name in **Business Name/DBA** field.
- Click **Search All Matches** button.

ADOT DBE System

Search: Vendors

Users Vendors Contract Concessions Bid Solicitations Outreach

Search for vendors using their names, locations, classifications, ratings, and/or other criteria. Enter information into any of the boxes below and click **Search**. Some parameters are required.

Search First 20 Matches Search All Matches Clear Form

Search Parameters

Business Name/DBA graphic ideals

Contact Person First: Last:

- Find the appropriate firm from the list and click **Select Vendor** and the system automatically returns back to the Add Subcontractor module.

ADOT DBE System

Search: Vendors

Users Vendors Contract Concessions Bid Solicitations Outreach

Listed below are all of the vendors that match your search criteria. Use the sort and filter functions of the table to reduce the size of the list. You can view more listings by using the navigation line at the bottom of the table.

To resort, click on column title.

Business Name	Phone Number	Location	Actions
Oram Trading Ltd., DBA Graphic Ideals	602-381-8080	Phoenix, AZ	Select Vendor

1 - 1 of 1 record displayed: Page 1 ▼

Search Again Add New Vendor

10. Ensure that every field with a red asterisk (*) is completed.
11. For DBE subcontractors select **Yes** for **Count Towards Certified Goal** and select **DBE** in the drop down menu.
12. Ensure proper **Type of Participation** is selected for DBE credit

ADOT DBE System

* required entry

Vendor Information

Vendor * Type name of vendor:
- use * before and after text for wildcard (e.g., *acme*)
- not case sensitive, but punctuation and spaces are important
- after selecting vendor, the contact and address fields will auto-fill
Oram Trading Ltd.
or [Change Vendor](#)

Vendor Compliance Contact * Alice J Maro

Vendor Address * 4631 E Thomas Rd, Phoenix, AZ 85018

Applicable Vendor Certifications

Type	Certified	Renewal	Expiration	Organization
DBE	1/31/2012	10/3/2015	10/3/2017	City of Phoenix
SBC	1/31/2012	10/3/2015	10/3/2017	City of Phoenix
SBC	4/29/2014	4/29/2015	4/29/2017	Arizona Department of Transportation

Subcontract Information

Subcontractor Tier * [Tier 1] Subcontractor to ADOT Contractor Compliance [Prime Contractor]

Current Prime Contract Amount \$10,000.00

Subcontract Percent/Amount *
☒ By Amount: \$ 2000
☐ By Percent: %
 Enter the full amount/percent of the subcontract or the percent relative to the total contract value (\$10,000). Do not deduct amount/percent of subcontracts awarded by this subcontractor.

Include in Compliance Audits? *
☒ Yes - subcontractor is active and should be included in the periodic compliance audits of the contract.
☐ No - subcontractor is inactive.

Count Towards Certified Goal *
☒ Yes - Payments to this subcontractor count towards the DBE Goal
☐ No

Type of Participation *
☒ Subcontractor/Subconsultant
☐ Supplier - Manufacturer
☐ Supplier - Regular Dealer
☐ Supplier - Packager, Broker, Distrib., Wholesaler, Manuf. Rep.
☐ Joint Venture
☐ Fees & Commission Broker

13. Enter the type of work in the **Work Description** field.
14. For DBE firms only - check all NAICS code that applies to work description and click **Assign Selected Work Codes**.

Work Description *

work description

Work Codes

Currently assigned work codes:

NAICS 323111 Commercial quick printing (except books) [\(Remove\)](#)

The work codes below are from recognized certifications for this firm. Select one or more work codes that match the work this firm will be performing for this assignment and click **Assign Selected Work Codes** to add to this record. [Click here](#) to refresh the list if the assigned vendor or for credit status has been changed.

☐ NAICS 323111 Advertising materials (e.g., coupons, flyers) commercial printing (except screen) without publishing

☐ NAICS 511120 Advertising periodical publishers and printing combined

☐ NAICS 561439 Blueprinting services

☐ NAICS 561439 Business service centers (except private mail centers)

☐ NAICS 561439 Copy shops (except combined with printing services)

Assign Selected Work Codes **Add Other Work Codes**

After clicking button, NAICS code will appear here.

15. Enter the appropriate dates.
16. Enter any amounts paid to subcontractor prior to adding them to the System contract record.
17. For DBE firms, download the subcontract agreement by clicking **Attach File**; purchase agreements are acceptable for non-subcontracting DBE firms.
18. Click **Review** when complete.

Search »
Message »
Settings »
Help & Support »
Logoff
[Show All](#) [Hide All](#)

Logged on as:
 Contractor Compliance
 ADOT Contractor Compliance

Assign Selected Work Codes **Add Other Work Codes**

Subcontract Award/Commit Date * 9/1/2015 (mm/dd/yyyy)

Estimated Work Start Date * 9/1/2015 (mm/dd/yyyy)

Estimated Work End Date 12/31/2015 (mm/dd/yyyy)

Add vendor to existing audits for this contract? *
☐ Yes - add this subcontractor to all audits going back to the period of September 2015
☒ No. Subcontractor's first audit will be the next one.
 Payments Already Made: \$ 500

Reference Identifier
 Use this field to uniquely identify this subcontractor if the firm is listed on the contract two or more times. This identifier will be displayed on the vendor list for quick identification of each instance of a firm's participation on the contract.

Attach File(s) **Attach File**

Comments *

Attach subcontract agreements for DBE firms. Confirm submittal instructions with contracting department.

Spell Check **Review** **Cancel**

19. Review content, then click **Save**.
20. Repeat steps 4 thru 18 to add another subcontractor.

HOW TO ADD SUBCONTRACTORS TO AN AUDIT

1. Enter contract record.
2. Click on **Compliance Audit List**.

Contract Management

Contract Main | View Contract | Subcontractors | **Compliance Audit List** | Compliance Audit Summary | Messages | Comments | Reports

Arizona Department of Transportation
1970: BECO Test
Prime: ADOT Contractor Compliance

Status: Open
6/12/2013 - 10/10/2020
Current Value: \$100,000

Contract Information

Contract Title	BECO Test
Contract Number	1970
System Transaction Number	00925687-001
Start Date	6/12/2013
(Projected) End Date	10/10/2020
Contract Value	\$100,000.00
Compliance Officer	Florentina Samartinean

3. Find the appropriate audit period and click **View Audit**.

Contract Management: Compliance Audit List

Contract Main | View Contract | Subcontractors | **Compliance Audit List** | Compliance Audit Summary | Messages | Comments | Reports

Arizona Department of Transportation
1970: BECO Test
Prime: ADOT Contractor Compliance

Status: Open
6/12/2013 - 10/10/2020
Current Value: \$100,000

Compliance Audit List

Audit Period	Status	Paid to Prime	Audit Reference	Date Posted	Actions
February 2016	Incomplete	\$10,000.00		3/2/2016	View Audit

4. Click on **Report subcontractor payment**.

Compliance Audit: Audit Notice for February 2016

Contract Main | View Contract | Subcontractors | Compliance Audit List | Compliance Audit Summary | Messages | Comments | Reports

Arizona Department of Transportation
1970: BECO Test
Prime: ADOT Contractor Compliance

Status: Open
6/12/2013 - 10/10/2020
Current Value: \$100,000

This is an audit notice for the contract listed below. Submit a response for each item listed below by clicking each link in the **Audit Actions** table. It is possible that some actions are not available at a specific time due to pending reports from other contractors.

Audit Information

Time Period	February 2016
Date & Time Posted	Local: 3/2/2016 10:38:57 AM AZT System: 3/2/2016 11:38:57 AM CST

Submit a response for each item listed below by clicking each link. It is possible that some actions are not available at a specific time. As the **prime contractor** your responsibility is to report payments made to subcontractors.

Audit Actions

Category	Action Required & Response Due Date
Prime Contractor	Report 1 subcontractor payment due by 5/9/2016 (PAST DUE) audit lock on 8/5/2016

Request Due Date Extension

5. Scroll down to find subcontractor to add.
6. Click on **Add to audit** link.

[Message »](#)

[Settings »](#)

[Help & Support »](#)

Logout

[Show All](#) [Hide All](#)

Logged on as:
Contractor Compliance
ADOT Contractor Compliance

Subcontractor Payments for February 2016										
	Subcontractor	Certified	Type	Inc. in Goal	Actions	Paid Amount in February 2016	Confirmed by Sub	Total To February 2016	Contract Goal	Actual Percent
1	ADOT Test Vendor 7 Jane Smith adottest7@b2qnow.com P 602-325-9277, F 602-325-9277	No	Sub	No	View Edit	\$4,000.00	Pending	\$4,000.00	15.000%	40.000%
2	ADOT Test Vendor 8 Jeremy Irons adotvendor8@b2qnow.com P 602-325-9277, F 602-325-9277	No	Sub	No	Not included in audit Add to audit			\$0.00	5.000%	0.000%
1	ADOT Test Vendor 8 Jeremy Irons adotvendor8@b2qnow.com P 602-325-9277, F 602-325-9277	No	Sub	No	View Edit	\$2,000.00	Pending	\$2,000.00	5.000%	20.000%
1	Sub Flooring Cris Camacho crissub@b2qnow.com P 602-325-9277, F 602-325-9666	No	Sub 100%	DBE	Submit Response	Not Reported	--	\$0.00	5.000%	0.000%

Click subcontractor name to view payment history for this contract. Click contact person's name to send them a message.

[Return to Audit Notice](#)

7. Click **OK** when message box appears.
8. Click **Submit Response** to report a payment; go to page 3 for reporting instructions.

[Message »](#)

[Settings »](#)

[Help & Support »](#)

Logout

[Show All](#) [Hide All](#)

Logged on as:
Contractor Compliance
ADOT Contractor Compliance

Subcontractor Payments for February 2016										
	Subcontractor	Certified	Type	Inc. in Goal	Actions	Paid Amount in February 2016	Confirmed by Sub	Total To February 2016	Contract Goal	Actual Percent
1	ADOT Test Vendor 7 Jane Smith adottest7@b2qnow.com P 602-325-9277, F 602-325-9277	No	Sub	No	View Edit	\$4,000.00	Pending	\$4,000.00	15.000%	40.000%
2	ADOT Test Vendor 8 Jeremy Irons adotvendor8@b2qnow.com P 602-325-9277, F 602-325-9277	No	Sub	No	Submit Response	Not Reported	--	\$0.00	5.000%	0.000%
1	ADOT Test Vendor 8 Jeremy Irons adotvendor8@b2qnow.com P 602-325-9277, F 602-325-9277	No	Sub	No	View Edit	\$2,000.00	Pending	\$2,000.00	5.000%	20.000%
1	Sub Flooring Cris Camacho crissub@b2qnow.com P 602-325-9277, F 602-325-9666	No	Sub 100%	DBE	Submit Response	Not Reported	--	\$0.00	5.000%	0.000%

Click subcontractor name to view payment history for this contract. Click contact person's name to send them a message.

HOW TO ADD A NEW USER

1. Click on **Settings** tab in left margin.
2. Click on **Add a User** (to grant employee access to your firm's account).
3. Click on **Add User** button.

Vendor Profile: Users Help & Tools

General Info | Public Profile | **Users** | Commodity Codes | Contacts | Employees | Certifications | Contracts | Workforce Composition/EEO | AZUTRACS Registrations

ADOT Contractor Compliance System Vendor Number: 20373918

Listed are all of the users accounts for this business. To view a user's information, click the user number or name.

Add User

User Number	Name	Title	Contact Role(s)	Actions
20373918-001	Compliance, Contractor		Certifications, Contracts, General, Insurance, Invoicing, Owner, Prevailing Wage, Sales	Copy Deactivate

Customer Support Home | Help | Print This Page | Print To PDF

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4. Complete all fields with a red asterisk – Email is considered the Username.
5. Enter a generic password – As soon as the new user logs into the System, they will be asked to create a new password.

*** required entry**

Contact Information

Enter the user's contact information. The email address serves as the the username.

Name *	Salutation	First Name *	Last Name *	Suffix
		Jane	Doe	
Email/Username *	jdoe@gmail.com			
Title				
Phone Number *	602	712-7761	Ext.	
Fax Number *	602	712-8429		
Choose password *	<div>.....</div> <div>✓ Password Strength Sufficient</div> <p>Password requirements:</p> <div>✓ Must be at least 6 characters long</div>			
Retype password *	<div>.....</div> <div>✓ Passwords Match</div>			

6. Select all addresses.

Addresses

Select the addresses for this user. To edit or add addresses, click the **General Info** tab at the top of this page.

Physical *	Main Address: 1130 N. 22nd Ave., Phoenix, AZ 85009
Mailing *	Main Address: 1130 N. 22nd Ave., Phoenix, AZ 85009
Billing *	Main Address: 1130 N. 22nd Ave., Phoenix, AZ 85009
Shipping *	Main Address: 1130 N. 22nd Ave., Phoenix, AZ 85009

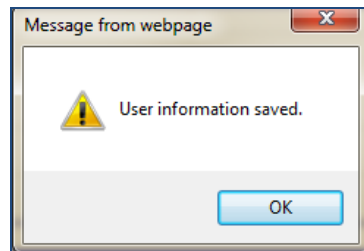
7. Select the applicable Time Zone.
8. Select **Email** or appropriate methods.

Account Preferences

Select the timezone, language, and notification settings for this user.

Time Zone *	US/Arizona
Preferred Notification Method *	<input type="radio"/> Email AND Fax: Send me plain-text email <input type="button" value="v"/> <input checked="" type="radio"/> Email: Send me plain-text email <input type="button" value="v"/> <input type="radio"/> Fax
Notification Options	<input checked="" type="checkbox"/> Notify this user of new system features and services. Uncheck the box to not receive these notices. <input checked="" type="checkbox"/> Notify this user of outreach campaigns, such as seminar, training bulletins, and procurement opportunities. Uncheck the box to not receive these notices from Arizona Department of Transportation. This action has no impact on official correspondence sent as part of any applicable agreement, contract, certification, or policy.

9. Click **Save** when complete.
10. Below message appears and click **OK**.



fy this user of outreach campaigns, such as seminar, tra
to not receive these notices from Arizona Department of
espondence sent as part of any applicable agreement, c

11. Click **User List** button.
12. See new user in the list.

Vendor Profile: Users Help & Tools

General Info | Public Profile | **Users** | Commodity Codes | Contacts | Employees | Certifications | Contracts | Workforce Composition/EEO | AZUTRACS Registrations

ADOT Contractor Compliance System Vendor Number: 20373918

Listed are all of the users accounts for this business. To view a user's information, click the user number or name.

User Number	Name	Title	Contact Role(s)	Actions
20373918-001	Compliance, Contractor		Certifications, Contracts, General, Insurance, Invoicing, Owner, Prevailing Wage, Sales	Copy Deactivate
20373918-002	Doe, Jane			Copy Deactivate

13. Go to Step #3 to additional users.

HOW TO CHANGE CONTRACT CONTACT PERSON

1. Click on **View** tab in left margin.
2. Click on **My Contracts**.
3. Identify contract to change Contact Person.
4. Click on **(change)**.

[General Info](#)
[Public Profile](#)
[Users](#)
[Commodity Codes](#)
[Contacts](#)
[Employees](#)
[Certifications](#)
[Contracts](#)
[Workforce Composition/EEO](#)
[AZUTRACS Registrations](#)

ADOT Contractor Compliance

System Vendor Number: 20373918

Listed below are the contracts to which this vendor is assigned.

Contracts as Prime Contractor

Actions	Contract Number & Title	Contracting Organization	Prime Contractor	Start Date	End Date	Award Amount	Paid Amount
View	1950-001: BECO Test	Arizona Department of Transportation	Contractor Compliance (change)	8/2013 to 8/2018		\$7,000	\$3,000
						Number of contracts as prime: 1	\$7,000 \$3,000

Change contact person for contract # 1970.01.

Contracts as Subcontractor

Actions	Contract Number & Title	Contracting Organization	Sub Contract	Status	Prime	Current Subcontract	Paid Amount
View	1970.01: BECO Test	Arizona Department of Transportation	Contractor Compliance (change)	1 incomplete audit	ADOT On-Call Prime	\$4,000 80.00%	\$1,500
View	1950-001.01: BECO Test	Arizona Department of Transportation	Contractor Compliance (change)	1 incomplete audit	ADOT Test Vendor 8	\$2,000 20.00%	\$800
						Number of contracts as subcontractor: 2	\$6,000 \$2,300

5. Click on drop down menu to view all users.

Contracts as Subcontractor									
Actions	Contract Number & Title	Contracting Organization	Sub Contract	Status	Prime	Current Subcontract	Paid Amount		
View	1970.01: BECO Test	Arizona Department of Transportation	Contractor Compliance (change)	1 incomplete audit	ADOT On-Call Prime	\$4,000 80.00%	\$1,500		
			Contractor Compliance <input type="text" value="Contractor Compliance"/>						
View	1950-001.01: BECO Test	Arizona Department of Transportation	Contractor Compliance (change)	1 incomplete audit	ADOT Test Vendor 8	\$2,000 20.00%	\$800		
						Number of contracts as subcontractor: 2	\$6,000	\$2,300	

6. Select the appropriate user to be the new contact person.
7. Click **save**.

Contracts as Subcontractor									
Actions	Contract Number & Title	Contracting Organization	Sub Contract	Status	Prime	Current Subcontract	Paid Amount		
View	1970.01: BECO Test	Arizona Department of Transportation	Contractor Compliance (change)	1 incomplete audit	ADOT On-Call Prime	\$4,000 80.00%	\$1,500		
			Jane Doe <input type="text" value="Jane Doe"/>						
View	1950-001.01: BECO Test	Arizona Department of Transportation	Contractor Compliance (change)	1 incomplete audit	ADOT Test Vendor 8	\$2,000 20.00%	\$800		
						Number of contracts as subcontractor: 2	\$6,000	\$2,300	

8. The user will be identified as the new contact person.

Contracts as Subcontractor									
Actions	Contract Number & Title	Contracting Organization	Sub Contract	Status	Prime	Current Subcontract	Paid Amount		
View	1970.01: BECO Test	Arizona Department of Transportation	Jane Doe (change)	1 incomplete audit	ADOT On-Call Prime	\$4,000 80.00%	\$1,500		
View	1950-001.01: BECO Test	Arizona Department of Transportation	Contractor Compliance (change)	1 incomplete audit	ADOT Test Vendor 8	\$2,000 20.00%	\$800		
						Number of contracts as subcontractor: 2	\$6,000	\$2,300	

9. Repeat steps #3 thru #7 to change the contact person to additional contracts.

The contact person can also be changed while in a contract record:

1. While in a contract record, click on **Contract Main**.
2. Go to drop down menu of Compliance Contact Person.

Contract Management Help & Tools

Contract Main | View Contract | Subcontractors | Compliance Audit List | Messages | Comments | Reports

1950-001: BECO Test
Prime: **ADOT Contractor Compliance**

Status: **Open**
7/18/2013 - 7/13/2018
Current Value: **\$7,000**

[Refresh Page](#)

Contract Information

Contract Title	BECO Test
Contract Number	1950-001
System Transaction Number	00925616-001
Start Date	7/18/2013
(Projected) End Date	7/13/2018
Contract Value	\$7,000.00
Compliance Officer	Mayline Wahinepio

User Assignment

Contract Type	(Sub) Contract Percent	Compliance Contact Person	Compliance Audit Required
Prime	100.000%	Contractor Compliance ▼	✓

[View Subcontractors](#) [Compliance Audit List](#)

Contract Status & Actions

	Status	Actions	Previous Transactions
Contract	Open	View Contract	
ContractChange Orders	Amended		# 1
Contract Extensions/Shortenings			None

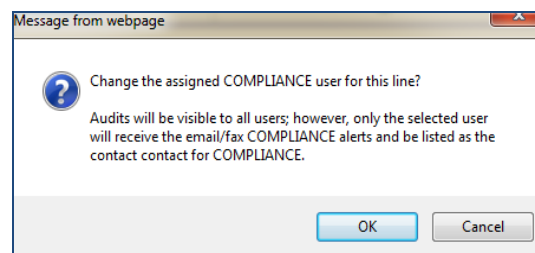
3. Select the new contact person.

User Assignment

Contract Type	(Sub) Contract Percent	Compliance Contact Person	Compliance Audit Required
Prime	100.000%	Contractor Compliance Jane Doe	✓

[View Subcontractors](#) [Compliance Audit List](#)

4. Message box will appear as soon as new contact person is selected.
5. Click **OK**.



6. The new contact person will appear as the Compliance Contact Person.

HOW TO RETRIEVE YOUR PASSWORD

It's normal to forget password information. When Audit notifications are received via email that means a vendor profile with username and password has been set up. Retrieving your password information is a simple process. Follow the steps accordingly for each payment reporting system.

1. Go to appropriate Log In interface.
 - a. ADOT DBE System : <http://adot.dbesystem.com/>
 - b. Arizona LPA Management System: <https://arizonalpa.dbesystem.com/>
2. Click on **Log In**.
3. Click on **Forgot Password**.

4. Enter your email and click **Submit**.

look it up.' Below this is an input field containing 'email@gmail.com' and a grey 'Submit' button. A large red arrow points to the 'Submit' button."/>

5. Password information will be sent shortly to the email address that was entered.
6. Contact BECO at (602) 712-7761 for further assistance.

Draft

** FOR USE ON FEDERAL AID PROJECTS WITH GOALS. **

* NOTE: REFER TO EDITING INSTRUCTIONS IN SECTION 12.0
* ENTER PERCENTAGE OF DBE PARTICIPATION AND
* EDIT LANGUAGE FOR A+B OR NON-A+B PROJECTS.

**

*

*

*

(EPRISE, 07/01/16)

DISADVANTAGED BUSINESS ENTERPRISES:

1.0 Policy:

The Arizona Department of Transportation (hereinafter the Department) has established a Disadvantaged Business Enterprise (DBE) program in accordance with the regulations of the U.S. Department of Transportation (USDOT), 49 CFR Part 26. The Department has received Federal financial assistance from the U.S. Department of Transportation and as a condition of receiving this assistance, the Department has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of the Department to ensure that DBEs, as defined in Part 26, have an equal opportunity to receive and participate in USDOT-assisted contracts. It is also the policy of the Department:

1. To ensure nondiscrimination in the award and administration of USDOT-assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for USDOT-assisted contracts;
3. To ensure that the DBE program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are counted as DBEs;
5. To help remove barriers to the participation of DBEs in USDOT-assisted contracts;
6. To assist in the development of firms that can compete successfully in the market place outside the DBE program and;
7. To promote the use of DBEs in all types of federally-assisted contracts and procurement activities.

It is also the policy of the Department to facilitate and encourage participation of Small Business Concerns (SBCs), as defined herein in USDOT-assisted contracts. The Department encourages contractors to take reasonable steps to eliminate obstacles to SBCs' participation and to utilize SBCs in performing contracts.

2.0 Assurances of Non-Discrimination:

The contractor, subrecipient, or subcontractor shall not discriminate on the basis of race, color, national origin or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of USDOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the State deems appropriate, which may include, but not limited to:

- (1) Withholding monthly progress payments;
- (2) Assessing sanctions;
- (3) Liquidated damages; and/or
- (4) Disqualifying the contractor from future bidding as non-responsible.

The contractor, subrecipient, or subcontractor shall ensure that all subcontract agreements contain this non-discrimination assurance.

3.0 Definitions:

- (A) **Commercially Useful Function (CUF):** Commercially Useful Function is defined fully in 49 CFR 26.55 which definition is incorporated herein by reference.
- (B) **Committed DBE:** A DBE that was identified by the contractor, typically on a DBE Affidavit, to meet an assigned DBE goal as a condition of contract award and performance, and includes any substitute DBE that has subsequently been committed work to meet the assigned contract goal.
- (C) **Disadvantaged Business Enterprise (DBE):** a for-profit small business concern which meets both of the following requirements:
 - (1) Is at least 51 percent owned by one or more socially and economically disadvantaged individuals or, in the case of any publicly owned business, at least 51 percent of the stock is owned by one or more such individuals; and,
 - (2) Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.
- (D) **Joint Check:** a two-party check between a subcontractor, DBE and/or non-DBE, a prime contractor and the regular dealer of material supplies.
- (E) **Joint Venture:** an association of a DBE firm and one or more other firms to carry out a single, for-profit business enterprise, for which parties combine their property, capital, efforts, skills and knowledge, and in which the DBE is responsible for a distinct, clearly defined portion of the work of the contract and whose share in the capital contribution, control, management, risks, and profits of the joint venture are commensurate with its ownership interest.

- (F) **NAICS Code:** The North American Industry Classification System (NAICS) is the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the US business economy.
- (G) **Non-DBE:** any firm that is not a DBE.
- (H) **Race Conscious:** a measure or program is one that is focused specifically on assisting only DBEs, including women-owned DBEs.
- (I) **Race Neutral:** a measure or program is one that is, or can be, used to assist all small businesses. For the purposes of this part, race neutral includes gender-neutrality.
- (J) **Small Business Concern:** a business that meets all of the following conditions:
- (1) Operates as a for-profit business;
 - (2) Operates a place of business primarily within the U.S., or makes a significant contribution to the U.S. economy through payment of taxes or use of American products, materials, or labor;
 - (3) Is independently owned and operated;
 - (4) Is not dominant in its field on a national basis; and
 - (5) Does not have annual gross receipts that exceed the Small Business Administration size standards average annual income criteria for its primary North American Industry Classification System (NAICS) code.
- (K) **Socially and Economically Disadvantaged Individuals:** any individual who is a citizen (or lawfully admitted permanent resident) of the United States and who is:
- (1) Any individual who is found to be a socially and economically disadvantaged individual on a case-by-case basis.
 - (2) Any individual in the following groups, members of which are rebuttably presumed to be socially and economically disadvantaged:
 - (i) "Black Americans," which includes persons having origins in any of the Black racial groups of Africa;
 - (ii) "Hispanic Americans," which includes persons of Mexican, Puerto Rican, Cuban, Dominican, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;

- (iii) "Native Americans," which includes persons who are enrolled members of a federally or State recognized Indian tribe, Alaskan Natives or Native Hawaiians;
- (iv) "Asian-Pacific Americans," which includes persons whose origins are from Japan, China, Taiwan, Korea, Burma (Myanmar), Vietnam, Laos, Cambodia (Kampuchea), Thailand, Malaysia, Indonesia, the Philippines, Brunei, Samoa, Guam, the U.S. Trust Territories of the Pacific Islands (Republic of Palau), the Republic of the Northern Marianas Islands, Macao, Fiji, Tonga, Kiribati, Tuvalu, Nauru, Federated States of Micronesia, or Hong Kong;
- (v) "Subcontinent Asian Americans," which includes persons whose origins are from India, Pakistan, Bangladesh, Bhutan, the Maldives Islands, Nepal or Sri Lanka;
- (vi) Women;
- (vii) Any additional groups whose members are designated as socially and economically disadvantaged by the Small Business Administration (SBA), at such time as the SBA designation becomes effective.

4.0 Working with DBEs:

The Department works with DBEs and assists them in their efforts to participate in the highway construction program. All bidders should contact the Department's Business Engagement and Compliance Office (BECO) by phone, through email, or at the address shown below, for assistance in their efforts to use DBEs in the highway construction program of the Department. BECO contact information is as follows:

Arizona Department of Transportation
Business Engagement and Compliance Office
1801 W. Jefferson Street, Ste. 101, Mail Drop 154A
Phoenix, AZ 85007
Phone (602) 712-7761
FAX (602) 712-8429
Email: contractorcompliance@azdot.gov
Website: www.azdot.gov/bec

4.01 Mentor-Protégé Program:

The Department has established a Mentor-Protégé program as an initiative to encourage and develop disadvantaged businesses in the highway construction industry. The program encourages prime contractors to provide certain types of assistance to certified DBE subcontractors. ADOT encourages contractors and certified DBE subcontractors to engage in a Mentor-Protégé agreement under certain conditions. Such an agreement must be mutually beneficial to both parties and to ADOT in fulfilling the requirements of 49 CFR Part 23. For

guidance regarding this program, refer to the Mentor-Protégé Program Guidelines available on the BECO website.

The Mentor-Protégé program is intended to increase legitimate DBE activities. The program does not diminish the DBE rules or regulations, and participants may not circumvent these rules.

5.0 Applicability:

The Department has established an overall annual goal for DBE participation on Federal-aid contracts. The Department intends for the goal to be met with a combination of race conscious and race neutral efforts. Race conscious participation occurs where the contractor uses a percentage of DBEs, as defined herein, to meet the contract-specified goal. Race neutral efforts are those that are, or can be, used to assist all small businesses or increase opportunities for all small businesses. The regulation, 49 CFR 26, describes race neutral participation as when a DBE wins a prime contract through customary competitive procurement procedures or is awarded a subcontract on a prime contract that does not carry a DBE contract goal.

The contractor shall meet the goal specified herein with DBEs, or establish that it was unable to meet the goal despite making good faith efforts to do so. Prime contractors are encouraged to obtain DBE participation above and beyond any goals that may be set for this project.

The DBE provisions are applicable to all bidders including DBE bidders.

6.0 Certification and Registration:

6.01 DBE Certification:

Certification as a DBE shall be predicated on:

- (1) The completion and execution of an application for certification as a "Disadvantaged Business Enterprise".
- (2) The submission of documents pertaining to the firm(s) as stated in the application(s), including but not limited to a statement of social disadvantage and a personal financial statement.
- (3) The submission of any additional information which the Department or the applicable Arizona Unified Certification (UCP) agency may require to determine the firm's eligibility to participate in the DBE program.
- (4) The information obtained during the on-site visits to the offices of the firm and to active job-sites.

Applications for certification may be filed online with the Department or the applicable Arizona Unified Certification agency at any time through the Arizona Unified Transportation Registration and Certification System (AZ UTRACS) website at <http://www.azutracs.com>.

DBE firms and firms seeking DBE certification shall cooperate fully with requests for information relevant to the certification process. Failure or refusal to provide such information is a ground for denial or removal of certification.

ADOT is a member of the AZ Unified Certification Program (AZUCP). Only DBE firms that are certified by the AZUCP are eligible for credit on ADOT projects. A list of DBE firms certified by AZUCP is available on the internet at <http://www.azutracs.com/>. The list will indicate contact information and specialty for each DBE firm, and may be sorted in a variety of ways. However, ADOT does not guarantee the accuracy and/or completeness of this information, nor does ADOT represent that any licenses or registrations are appropriate for the work to be done.

The Department's certification of a DBE is not a representation of qualifications and/or abilities; only that the firm has met the criteria for DBE certification as outlined in 49 CFR Part 26. The contractor bears all risks of ensuring that DBE firms selected by the contractor are able to perform the work.

6.02 SBC Registration:

To comply with 49 CFR Part 26.39, ADOT's DBE Program incorporates contracting requirements to facilitate participation by Small Business Concerns (SBCs) in federally assisted contracts. SBCs are for-profit businesses authorized to do business in Arizona that meet the Small Business Administration (SBA) size standards for average annual revenue criteria for its primary North American Industry Classification System (NAICS) code.

While the SBC component of the DBE program does not require utilization goals on projects, ADOT encourages contractors to utilize small businesses that are registered in AZ UTRACS on their contracts, in addition to DBEs meeting the certification requirement. The contractor may use the AZ UTRACS website to search for certified DBEs and registered SBCs that can be used on the contract. However, SBCs that are not DBEs will not be counted toward the DBE contract goal.

SBCs can register online at the AZ UTRACS website. The Department's registration of SBCs is not a representation of qualifications and/or abilities. The contractor bears all risks of ensuring that SBC firms selected by the contractor are able to perform the work.

7.0 DBE Financial Institutions:

The Department thoroughly investigates the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in its service area and makes reasonable efforts to use these institutions. The Department encourages prime contractors to use such institutions on USDOT assisted contracts. However, use of DBE financial institutions will not be counted toward the DBE contract goal.

The Department encourages prime contractors to research the Federal Reserve Board website at www.federalreserve.gov to identify minority-owned banks in Arizona derived from the Consolidated Reports of Condition and Income filed quarterly by banks (FFIEC 031 and 041) and from other information on the Board's National Information Center database.

8.0 Time is of the Essence:

TIME IS OF THE ESSENCE IN RESPECT TO THE DBE PROVISIONS.

9.0 Computation of Time:

In computing any period of time described in this DBE special provision, such as calendar days, the day from which the period begins to run is not counted, and when the last day of the period is a Saturday, Sunday, or Federal or State holiday, the period extends to the next day that is not a Saturday, Sunday, or Federal or State holiday. In circumstances where the Department's offices are closed for all or part of the last day, the period extends to the next day on which the Department's offices are open.

10.0 Contractor and Subcontractor Requirements:

10.01 General:

The contractor shall establish a DBE program that will ensure nondiscrimination in the award and administration of contracts and subcontracts.

Agreements between the bidder and a DBE in which the DBE promises not to provide subcontracting quotations to other bidders are prohibited.

10.02 DBE Liaison:

The contractor shall designate a DBE Liaison responsible for the administration of the contractor's DBE program. The name of the designated DBE Liaison shall be included in the DBE Intended Participation Affidavit Summary.

11.0 Bidders/Proposers List and AZ UTRACS Registration Requirement:

Under Title 49 CFR of the Code of Federal Regulations, Part 26.11, DOTs are required to collect certain information from all contractors and subcontractors who seek to work on federally-assisted contracts in order to set overall and contract DBE goals. ADOT collects this information through a Bidders/Proposers List when firms register their companies on the Arizona Unified Transportation Registration and Certification System (AZ UTRACS) web portal at <http://www.azutracs.com/> a centralized database for companies that seek to do business with ADOT. This information will be maintained as confidential to the extent allowed by federal and state law.

Prime contractors and all subcontractors, including DBEs, must be registered in AZ UTRACS. Bidders may verify that their firm and each subcontractors is registered using the AZ UTRACS website.

Bidders may obtain additional information at the AZ UTRACS website or by contacting BECO.

Bidders shall create the Bidders/Proposers List in the AZ UTRACS by selecting all subcontractors, service providers, manufacturers and suppliers that expressed interest or submitted bids, proposals or quotes for this contract. The Bidders/Proposers List form must be complete and must include the names for all subcontractors, service providers, manufacturers and suppliers regardless of the bidders' intentions to use those firms on the project.

All bidders must complete the Bidders/Proposers List online at AZ UTRACS whether they are the apparent low bidder or not. A confirmation email will be generated by the system. The bidders shall submit to BECO a copy of the email confirmation no later than 4:00 p.m. on the seventh calendar day following the bid opening. Faxed copies are acceptable.

FAILURE TO SUBMIT THE REQUIRED BIDDERS/PROPOSERS LIST CONFIRMATION EMAIL TO BECO BY THE STATED TIME AND IN THE MANNER HEREIN SPECIFIED SHALL BE CAUSE FOR THE BIDDER BEING DEEMED INELIGIBLE FOR AWARD OF THE CONTRACT.

12.0 DBE Goals:

The minimum goal for participation by DBEs on this project is as follows:

XX Percent

** DELETE THIS NOTE AND ONE OF THE FOLLOWING TWO SENTENCES: **
** USE THE FIRST SENTENCE BELOW FOR NON A+B PROJECTS. **
** USE THE SECOND SENTENCE BELOW FOR A+B PROJECTS. **

The percentage of DBE participation shall be based on the total bid.

The percentage of DBE participation shall be based on the total construction cost bid (the "A" amount) only.

13.0 Submission with Bids:

All bidders are required to certify in their bid proposal on the "Disadvantaged Business Enterprise Goal Assurance" certificate either:

- (1) The bidder has met the established DBE goal and arrangements with certified DBEs have been made prior to the submission of the bid, or

- (2) The bidder has been unable to meet the established DBE goal prior to the submission of the bid and has made good faith efforts to do so.

For the purpose of this section, 'arrangements' means, at a minimum, agreement between the bidder and the certified DBE, either written or oral, on unit prices and scope of work.

This certificate may not be revised or corrected after submission of the bid. If the bidder certifies that it has met the goal, the bidder cannot change its position after submission of the bid and submit documentation of a good faith effort. If the bidder certifies that it has been unable to meet the goal and has made a good faith effort, the bidder cannot change its position after submission of the bid and claim to have met or be able to meet the established goal.

Bids submitted with altered, incomplete or unsigned certificates will be considered non-responsive. Bids submitted with certifications on forms other than those furnished by the Department will be considered non-responsive.

14.0 Bidder Meeting DBE Goal:

14.01 General:

In order to be awarded this contract, the apparent low bidder must establish either (1) that it has met the DBE participation goal of the contract or (2) that it has made adequate good faith efforts (GFE) to meet the DBE goal. This requirement is in addition to all other pre-award requirements.

If the bidder indicates in the bid that it has met the DBE goal, the bidder shall submit a DBE Intended Participation Affidavit for each individual DBE, and the Intended Participation Affidavit Summary as follows:

- (1) The DBE Intended Participation Affidavit for each individual DBE, and the Intended Participation Affidavit Summary must be received by BECO no later than 4:00 P.M. on the seventh calendar day following the bid opening. Copies of these forms are available from BECO at the address, phone number or website listed in DBE Subsection 4.0. The affidavits and Summary shall indicate that the bidder has met the DBE goal if this was indicated on the submittal with the bid.
- (2) The Intended Participation Affidavit Summary and the DBE Intended Participation Affidavit for each individual DBE must be accurate and complete in every detail and must be signed by an officer of the contractor(s). Percentages and dollar amounts must be accurate. Percentages shall be listed to two decimal places. The DBE Intended Participation Affidavit Summary must be submitted listing all the DBEs intended to be used and the creditable amounts.
- (3) A separate DBE Intended Participation Affidavit must be submitted for each DBE used to meet the goal of the project. The bidder shall indicate each DBE's name, a

description of the work the DBE will perform, bid item number, proposed subcontract amount, and the NAICS code applicable to the kind of work the firm would perform on the contract. A list of certified DBEs with their respective NAICS codes can be located on the DBE Directory at AZ UTRACS website. All partial items must be explained. If not, the DBE will be considered to be responsible for the entire item. The intended DBE must complete and sign the form to confirm its participation in the contract.

- (4) The affidavits and summary may be submitted electronically through email to BECO.
- (5) A bidder must determine DBE credit in accordance with DBE Subsection 18 (Crediting DBE Participation Toward Meeting Goals). The affidavit will be reviewed, and approved or rejected by BECO.
- (6) Only those DBE firms certified by the Arizona Unified Certification Program (AZUCP) as of the deadline for bid submittal will be considered for DBE credit. It shall be the bidder's responsibility to ascertain the certification status of designated DBEs.
- (7) All DBE commitment amounts must be finalized between the DBE subcontractor and the bidder prior to the deadline for affidavit submittal. Bidders shall not inflate DBE awards in order to meet contract goals.
- (8) The bidder bears the risk of late submission or late delivery by the postal service or a delivery service. Affidavits and Summary received by BECO after 4:00 P.M. on the seventh calendar day following the bid opening will not be accepted.
- (9) Reduction of DBE commitments after affidavit submittal and prior to execution of the contract without good cause will result in the bid being rejected or the Department rescinding any award. Scheduling conflicts are not necessarily evidence of good cause as this should have been considered during pre-bid negotiations. The contractor is responsible for ensuring the DBE is available to meet the requirements of the contract.

14.02 Failure to Comply:

If the apparent low bidder fails to submit the required information by the stated time and in the manner herein specified, or if the submitted information reveals a failure to meet the requirements of the specifications, the apparent low bidder shall be ineligible to receive award of the contract and the bid will be rejected. The proposal guarantee (bid bond) shall be forfeited if no submission is made or if the State Engineer finds the submission was made in bad faith.

15.0 Documented Good Faith Effort:

15.01 General:

If the apparent low bidder has stated in its bid proposal that it has been unable to meet the DBE goal, that bidder must demonstrate, through detailed and comprehensive documentation,

that good faith efforts have been made to solicit, assist, and use DBE firms to meet the DBE goal prior to the bid. If the bidder certifies that it has been unable to meet the goal and has made a good faith effort, the bidder cannot change its position after submission of the bid and claim to have met the established goal.

Failure to demonstrate good faith efforts to the satisfaction of ADOT will result in the rejection of the bid.

The bidder's good faith effort documentation must be submitted to and received by the Department's BECO by 4:00 P.M. on the seventh calendar day after the bids are opened. Good faith effort documentation may be submitted electronically through email to BECO. Good faith effort documentation submitted after the time specified will not be accepted.

The bidder bears the risk of late submission or late delivery by the postal service or a delivery service.

The documentation of good faith efforts must include copies of each DBE and non-DBE subcontractor quote submitted to the bidder when a non-DBE subcontractor was selected over a DBE for work on the contract. A generalized assertion that the contractor received multiple quotes is not sufficient unless copies of those quotes are provided.

Bidders are encouraged to review Appendix A of 49 CFR Part 26.

Useful information related to encouraging DBE participation and documented good faith efforts can be found in the Department's "Good Faith Effort Guide" and other documents made available on the internet at BECO's website. The information provided in the "Good Faith Effort Guide" does not replace the specifications; bidders must comply with the requirements of this specification.

In order to be awarded a contract on the basis of good faith efforts, a bidder must show that it took all necessary and reasonable steps to achieve the DBE goal which, by their scope, intensity, and appropriateness to the objective, could reasonably be expected to obtain sufficient DBE participation, even if they were not fully successful. The Department will consider the quality, quantity, and intensity of the different kinds of efforts the bidder has made. The efforts employed by the bidder should be those that one could reasonably expect a bidder to make if the bidder were actively and aggressively trying to obtain DBE participation sufficient to meet the DBE goal. Mere pro forma efforts are not sufficient good faith efforts to meet the DBE contract requirements.

The bidder shall, as a minimum, seek DBEs in the same geographic area in which it generally seeks subcontractors for a given project. If the bidder cannot meet the goals using DBEs from this geographic area, the bidder, as part of its effort to meet the goals, shall expand its search to a reasonably wider geographic area.

The following is a list of types of efforts a bidder must address when submitting good faith effort documentation:

- (1) Contacting the Department's BECO prior to the submission of bids, either by e-mail, or by telephone, to inform BECO of the firm's difficulty in meeting the DBE goals on a given project, and requesting assistance. The bidder must document its contact with BECO, and indicate the type of contact, the date and time of the contact, the name of the person(s) contacted, and any details related to the communication. The contact must be made in sufficient time before bid submission to allow BECO to provide effective assistance. The bidder will not be considered to have made good faith efforts if the bidder failed to contact BECO.
- (2) Conducting market research to identify small business contractors and suppliers, and soliciting, through all reasonable and available means the interest of all certified DBEs who have the capability to perform the work of the contract. This may include attendance at pre-bid meetings and business matchmaking meetings and events, advertising and/or providing written notices, posting of "Notices of Sources Sought" and/or "Requests for Proposals" at reasonable locations, including the contractor's website, written notices or emails to all DBEs listed in the Department's directory of transportation firms that specialize in areas of work desired (as noted in the DBE directory) and which are located in the area or surrounding areas of the project. The bidder should solicit this interest as early in the acquisition process as practicable to allow DBEs to respond to the solicitation and submit a timely offer for the subcontract. The bidder should determine with certainty if the DBEs are interested by taking appropriate steps to follow-up initial solicitations.
- (3) Selecting portions of the work to be performed by DBEs in order to increase the likelihood that the DBE goals will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units (for example smaller tasks or quantities) to facilitate DBE participation, even when the prime contractor might otherwise prefer to perform these work items with its own forces. This may include, where possible, establishing flexible time frames for performance and delivery schedules in a manner that encourages and facilitates DBE participation.
- (4) Providing interested DBEs with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist DBEs in responding to solicitations.
- (5) Negotiating in good faith with interested DBEs. It is the bidder's responsibility to make a portion of the work available to the DBE subcontractors and suppliers, and to select those portions of work or material needs consistent with the available DBE subcontractors and suppliers, so as to facilitate DBE participation. Evidence of such negotiation includes the names, addresses, and telephone numbers of DBEs that were considered; a description of the information provided from the plans and specifications for the work selected for subcontracting; and evidence as to why additional agreements could not be reached for DBEs to perform work.

Mailings to DBEs requesting bids are not alone sufficient to constitute good faith effort.

A bidder using good business judgment would consider a number of factors in negotiating with subcontractors, including DBE subcontractors, and would take a firm's price and capabilities as well as contract goals into consideration. However, the fact that there may be some additional costs involved in finding and using DBEs is not in itself sufficient reason for a bidder's failure to meet the DBE goal, as long as such costs are reasonable. Also, the ability or desire of a prime contractor to perform the work of a contract with its own organization does not relieve the bidder of the responsibility to make good faith efforts. However, prime contractors are not required to accept higher quotes from DBEs if the price difference is excessive or unreasonable. Documentation, such as copies of all other bids or quotes, must be submitted.

- (6) Not rejecting DBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities. The contractor's standing within its industry, membership in specific groups, organizations or associations and political or social affiliations (for example, union vs. non-union employee status) are not legitimate causes for the rejection or non-solicitation of bids in the contractor's efforts to meet the project goal.
- (7) Making efforts to assist interested DBEs in obtaining bonding, lines of credit, or insurance as required by the recipient or contractor.
- (8) Making efforts to assist interested DBEs in obtaining necessary equipment, supplies, materials, or related assistance or services.
- (9) Effectively using the services of available minority/women community organizations; minority/women contractors' groups; local, state, and Federal minority/women business assistance offices; and other organizations as allowed on a case-by-case basis to provide assistance in the recruitment and placement of DBEs.

Another practice considered an insufficient good faith effort is the rejection of the DBE because its quotation for the work was not the lowest received. The contractor must submit copies of each DBE and non-DBE subcontractor quote submitted to the bidder when a non-DBE subcontractor was selected over a DBE for work on the contract. A generalized assertion that the contractor has received multiple quotes is not sufficient unless copies of those quotes are provided. The Department may contact rejected DBEs as part of its investigation. However, nothing in this paragraph shall be construed to require the bidder or prime contractor to accept unreasonable quotes in order to satisfy contract goals.

In determining whether a bidder has made good faith efforts, the Department will review the documented efforts of the contractor and will review the performance of other bidders in meeting the contract goal.

A promise to use DBEs after contract award is not considered to be responsive to the contract solicitation or to constitute good faith efforts.

The Department will evaluate the submittal to determine whether in fact good faith efforts have been demonstrated consistent with the specifications and the Federal regulations, 49 CFR 26, Appendix A.

15.02 Failure to Comply:

If the apparent low bidder fails to submit the required information by the stated time and in the manner herein specified, or if the submitted information reveals a failure to meet the requirements of the specifications, the apparent low bidder shall be ineligible to receive award of the contract and the bid will be rejected. The proposal guarantee (bid bond) shall be forfeited if no submission is made or if the State Transportation Board finds the submission was made in bad faith.

15.03 Appeal and Protest of Good Faith Effort Determination:

Any interested party may appeal the determination of the Business Engagement and Compliance Office to the State Engineer. That appeal must be in writing and personally delivered or sent by certified mail, return receipt requested, to the State Engineer. The protest must be received by the State Engineer no later than seven calendar days after the decision of BECO. Copies of the protest shall be sent by the protestant to every bidder, at the same time the protest is submitted to the State Engineer. Any bidder whose bid is rejected for failure to meet the goal or make GFE will be given the opportunity to meet in person with the State Engineer, at the bidder's written request included in the protest, to discuss the issue of whether it met the goal or made adequate good faith efforts to do so.

Any other interested party may submit a response to the appeal no later than seven calendar days after the appeal. Responses from interested parties must also be in writing and personally delivered or sent by certified mail, return receipt requested, to the State Engineer. Any interested party submitting such response shall also provide a copy of its response to every bidder, at the same time the protest is submitted to the State Engineer. The State Engineer shall promptly consider any appeals under this subsection and notify all bidders in writing of the State Engineer's findings and decision.

Any interested party may protest the State Engineer's decision to the Transportation Board, pursuant to the requirements of Subsection 103.10 of the Standard Specifications. In accordance with 49 CFR 26.53(d)(5), the result of the Board's Decision is not subject to administrative appeal to the USDOT.

16.0 Rejection of Low Bid:

If, for any reason, the bid of the apparent low bidder is rejected, a new apparent low bidder will be identified. The Department will notify the new apparent low bidder, and this bidder shall submit its subsequent detailed submission as set forth in DBE Subsections 14 or 15.

17.0 Payment Reporting:

The contractor shall report on a monthly basis indicating the amounts paid to all subcontractors, of all tiers, working on the project. Reporting shall be in accordance with Subsection 109.06(B)(5) of the specifications.

18.0 Crediting DBE Participation Toward Meeting Goals:

18.01 General Requirements:

To count toward meeting a goal, the DBE firm must be certified as of the deadline for submission of bids in each NAICS code applicable to the kind of work the firm will perform on the contract. NAICS for each DBE can be found on the AZ UTRACS under the Firm Directory. General descriptions of all NAICS codes can be found at www.naics.com.

Credit towards the contractor's DBE goal is given only after the DBE has been paid for the work performed.

The entire amount of a contract that is performed by the DBE's own forces, including the cost of supplies and materials purchased by the DBE for the work on the contract and equipment leased by the DBE will be credited toward DBE participation. Supplies and equipment the DBE subcontractor purchases or leases from the prime contractor or its affiliate will not be credited toward DBE participation. Work included in a force account item cannot be listed on the DBE Intended Participation Affidavit.

The contractor bears the responsibility to determine whether the DBE possesses the proper contractor's license(s) to perform the work and, if DBE credit is requested, that the DBE subcontractor is certified for the requested type of work.

If a DBE cannot complete its work due to failure to obtain or maintain its licensing, the contractor bears the responsibility to notify the Engineer and BECO immediately after the contractor becomes aware of the situation, and request approval to replace the DBE with another DBE. The contractor shall follow the DBE termination/substitution requirements described in Subsection 24.0 of these DBE provisions.

The Department's certification is not a representation of a DBE's qualifications and/or abilities. The contractor bears all risks that the DBE may not be able to perform its work for any reason.

A DBE may participate as a prime contractor, subcontractor, joint venture partner with either a prime contractor or a subcontractor, or as a vendor of materials or supplies. A DBE joint venture partner shall be responsible for a clearly defined portion of the work to be performed, in addition to meeting the requirements for ownership and control.

The dollar amount of work to be accomplished by DBEs, including partial amount of a lump sum or other similar item, shall be on the basis of subcontract, purchase order, hourly rate, rate per ton, etc., as agreed to between parties.

With the exception of bond premiums, all work must be attributed to specific bid items. Where work applies to several items, the DBE contracting arrangement must specify unit price and amount attributable to each bid item. DBE credit for any individual item of work performed by the DBE shall be the lesser of the amount to be paid to the DBE or the prime contractor's bid price. If the amount bid by the DBE on any item exceeds the prime contractor's bid amount, the prime contractor may not obtain credit by attributing the excess to other items.

Where more than one DBE is engaged to perform parts of an item (for example, supply and installation), the total amount payable to the DBEs will not be considered in excess of the prime contractor's bid amount for that item.

Bond premiums may be stated separately, so long as the arrangement between the prime contractor and the DBE provides for separate payment not to exceed the price charged by the bonding company.

DBE credit may be obtained only for specific work done for the project, supply of equipment specifically for physical work on the project, or supply of materials to be incorporated in the work. DBE credit will not be allowed for costs such as overhead items, capital expenditures (for example, purchase of equipment), and office items.

If a DBE performs part of an item (for example, installation of materials purchased by a Non-DBE), the DBE credit shall not exceed the lesser of (1) the DBE's contract or (2) the prime contractor's bid for the item, less a reasonable deduction for the portion performed by the Non-DBE.

When a DBE performs as a partner in a joint venture, only that portion of the total dollar value of the contract which is clearly and distinctly performed by the DBE's own forces can be credited toward the DBE goal.

The contractor may credit second-tier subcontracts issued to DBEs by non-DBE subcontractors. Any second-tier subcontract to a DBE used to meet the goal must meet the requirements of a first-tier DBE subcontract.

A prime contractor may credit the entire amount of that portion of a construction contract that is performed by the DBE's own forces. The cost of supplies and materials obtained by the DBE for the work of the contract can be included so long as that cost is reasonable. Leased equipment may also be included. No credit is permitted for supplies purchased or equipment leased from the prime contractor or its affiliate(s).

When a DBE subcontracts a part of the work of its contract to another firm, the value of the subcontract may be credited towards the DBE goal only if the DBE's subcontractor is itself a DBE and performs the work with its own forces. Work that a DBE subcontracts to a non-DBE firm does not count toward a DBE goal.

A prime contractor may credit the entire amount of fees or commissions charged by a DBE firm for providing a bona fide service, such as professional, technical, consultant, or managerial services, or for providing bonds or insurance specifically required for the performance of a USDOT-assisted contract, provided the fees are reasonable and not excessive as compared with fees customarily allowed for similar services.

18.02 DBE Prime Contractor:

When a certified DBE firm bids on a contract that contains a DBE goal, the DBE firm is responsible for meeting the DBE goal on the contract or making good faith efforts to meet the goal, just like any other bidder. In most cases, a DBE bidder on a contract will meet the DBE goal by virtue of the work it performs on the contract with its own forces. However, all the work that is performed by the DBE bidder or any other DBE subcontractors and DBE suppliers will count toward the DBE goal. The DBE bidder shall list itself along with any DBE subcontractors and suppliers, on the DBE Intended Participation Affidavit and Summary in order to receive credit toward the DBE goal.

18.03 Effect of Loss of DBE Eligibility:

If a DBE is deemed ineligible (decertified) or suspended by the Department in accordance with 49 CFR 26.87 and 26.88, the DBE may not be considered to meet a contract goal on a new contract, but may be considered to meet the contract goal under a subcontract that was executed before the DBE suspension or decertification is effective.

When a committed DBE firm or a DBE prime contractor loses its DBE eligibility and a subcontract or contract has not been executed before a decertification notice is issued to the DBE firm by its certifying agency, the ineligible firm does not count toward the contract goal. The contractor must meet the contract goal with an eligible DBE firm or firms or demonstrate good faith effort. When a subcontract is executed with the DBE firm before the Department notified the firm of its ineligibility, the contractor may continue to use the firm on the contract and may continue to receive credit toward the DBE goal for the firm's work.

18.04 Notifying the Contractor of DBE Certification Status:

Each DBE contract of any tier shall require any DBE subcontractor or supplier that is either decertified or certified during the term of the contract to immediately notify the contractor and all parties to the DBE contract in writing, with the date of decertification or certification. The contractor shall require that this provision be incorporated in any contract of any tier in which a DBE is a participant.

18.05 Police Officers:

DBE credit will not be permitted for procuring DPS officers. For projects on which officers from other agencies are supplied, DBE credit will be given only for the broker fees charged, and will not include amounts paid to the officers. The broker fees must be reasonable.

18.06 Commercially Useful Function:

A prime contractor can credit expenditures to a DBE subcontractor toward DBE goals only if the DBE performs a Commercially Useful Function (CUF).

A DBE performs a CUF when it is responsible for execution of the work of a contract and carries out its responsibilities by actually performing, managing, and supervising the work involved. To perform a commercially useful function, the DBE must also be responsible, with respect to materials and supplies on the contract, for negotiating price, determining quality and quantity, ordering the material, and installing (where applicable) and paying for the material itself that it uses on the project. To determine whether a DBE is performing a commercially useful function, the Department will evaluate the amount of work subcontracted, industry practices, whether the amount the firm is to be paid under the contract is commensurate with the work it is actually performing and the DBE credit claimed for its performance of the work, and other relevant factors.

A DBE will not be considered to perform a commercially useful function if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of DBE participation. In determining whether a DBE is such an extra participant, the Department will examine similar transactions, particularly those in which DBEs do not participate.

If a DBE does not perform or exercise responsibility for at least 30 percent of the total cost of its contract with its own work force, or if the DBE subcontracts a greater portion of the work of a contract than would be expected on the basis of normal industry practice for the type of work involved, the Department will presume that the DBE is not performing a commercially useful function.

When a DBE is presumed not to be performing a commercially useful function as provided above, the DBE may present evidence to rebut this presumption. The Department will determine if the firm is performing a CUF given the type of work involved and normal industry practices.

The Department will notify the contractor, in writing, if it determines that the contractor's DBE subcontractor is not performing a CUF. The contractor will be notified within seven calendar days of the Department's decision.

Decisions on CUF may be appealed to the State Engineer. The appeal must be in writing and personally delivered or sent by certified mail, return receipt requested, to the State Engineer. The appeal must be received by the State Engineer no later than seven calendar days after the decision of BECO. BECO's decision remains in effect unless and until the State Engineer reverses or modifies BECO's decision. The State Engineer will promptly consider any appeals under this subsection and notify the contractor of the State Engineer's findings and decisions. Decisions on CUF matters are not administratively appealable to USDOT.

The Department will conduct project site visits on the contract to confirm that DBEs are performing a CUF. The contractor shall cooperate during the site visits and the Department's staff will make every effort not to disrupt work on the project.

18.07 Trucking:

The Department will use the following factors in determining whether a DBE trucking company is performing a commercially useful function. The DBE must be responsible for the management and supervision of the entire trucking operation for which it is responsible on a particular contract, and there cannot be a contrived arrangement for the purpose of meeting DBE goals.

The DBE must itself own and operate at least one fully licensed, insured, and operational truck used on the contract on every day that credit is to be given for trucking.

The contractor will receive credit for the total value of transportation services provided by the DBE using trucks it owns, insures and operates, and using drivers it employs.

The DBE may lease trucks from another DBE firm, including an owner-operator who is certified as a DBE. The DBE who leases trucks from another DBE receives credit for the total value of the transportation services.

The DBE may also lease trucks from a non-DBE firm, including an owner-operator. The DBE who leases trucks with drivers from a non-DBE is entitled to credit for the total value of the transportation services provided by non-DBE leased trucks with drivers not to exceed the value of transportation services on the contract provided by DBE-owned trucks or leased trucks with DBE employee drivers. Additional participation by non-DBE owned trucks with drivers receives credit only for the fee or commission paid to the DBE as a result of the lease agreement.

Example: DBE Firm X uses two of its own trucks on a contract. It leases two trucks from DBE Firm Y and six trucks from non-DBE firm Z. DBE credit would be awarded for the total value of transportation services provided by Firm X and Firm Y, and may also be awarded for the total value of transportation services provided by four of the six trucks provided by Firm Z. In all, full credit would be allowed for the participation of eight trucks. DBE credit could be awarded only for the fees or commissions pertaining to the remaining trucks Firm X receives as a result of the lease with Firm Z.

The DBE may lease trucks without drivers from a non-DBE truck leasing company. If the DBE leases trucks from a non-DBE leasing company and uses its own employees as drivers, it is entitled to credit for the total value of these hauling services.

Example: DBE Firm X uses two of its own trucks on a contract. It leases three additional trucks from non-DBE Firm Z. Firm X uses its own employees to drive the trucks leased from Firm Z. DBE credit would be awarded for the total value of the transportation services provided by all five trucks.

For purposes of this section, a lease must indicate that the DBE has exclusive use of and control over the truck. This does not preclude the leased truck from working for others during the term of the lease with the consent of the DBE, so long as the lease gives the DBE absolute priority for use of the leased truck. Leased trucks must display the name and identification number of the DBE. Credit will be allowed only for those lease costs related to the time each truck is devoted to the project.

DBE credit for supplying paving grade asphalt and other asphalt products will only be permitted for standard industry hauling costs, and only if the DBE is owner or lessee of the equipment and trucks. Leases for trucks must be long term (extending for a fixed time period and not related to time for contract performance) and must include all attendant responsibilities such as insurance, titling, hazardous waste requirements, and payment of drivers.

18.08 Materials and Supplies:

The Department will credit expenditures with DBEs for material and supplies towards the DBE goal as follows. If the materials or supplies are obtained from a DBE manufacturer, 100 percent of the cost of the materials or supplies is credited. A manufacturer is defined as a firm that operates or maintains a factory or establishment that produces, on the premises, the materials, supplies, articles, or equipment required under the contract, and of the general character described by the specifications.

If the materials or supplies are purchased from a DBE regular dealer, 60 percent of the cost of the materials or supplies is credited. A DBE regular dealer is defined as a firm that owns, operates, or maintains a store or warehouse or other establishment in which the materials, supplies, articles, or equipment of the general character described by the specifications and required under the contract are bought, kept in stock, and regularly sold or leased to the public in the usual course of business. To be a regular dealer, the firm must be an established, regular business that engages, as its principal business and under its own name, in the purchase and sale or lease of the products in question. A firm may be a DBE regular dealer in such bulk items as petroleum products, steel, cement, stone or asphalt without owning, operating, or maintaining a place of business, as provided above, if the person both owns and operates distribution equipment for the products. Any supplementing of regular dealers' own distribution equipment shall be by a long-term lease agreement, and not on an ad-hoc or contract-by-contract basis. Packagers, brokers, manufacturers' representatives, or other persons who arrange or expedite transactions are not regular dealers within the meaning of this paragraph and the paragraph above.

With respect to materials or supplies purchased from a DBE which is neither a manufacturer nor a regular dealer, the Department will credit the entire amount of the fees or commissions charged by the DBE for assistance in the procurement of the materials and supplies, or fees or transportation charges for the delivery of materials or supplies required on a job site, toward DBE goals, provided the fees are determined to be reasonable and not excessive as compared with fees customarily allowed for similar services. The cost of the materials and supplies themselves may not be counted toward the DBE goal.

The Department will credit expenditures with DBEs for material and supplies (e.g. whether a firm is acting as a regular dealer or a transaction expediter) towards the DBE goal on a contract-by-contract basis. The fact that a DBE firm qualifies under a classification (manufacturer, regular dealer or supplier) for one contract does not mean it will qualify for the same classification on another contract. The bidder shall be responsible for verifying whether a DBE qualifies as a DBE manufacturer, regular dealer or supplier. The bidder may contact BECO for assistance in this determination.

19.0 Effect of Contract Changes:

If for any reason it becomes apparent that the DBE goal will not be met then the contractor shall: (1) immediately notify the Engineer and BECO of the potential or actual decrease in DBE compensation, and (2) make good faith efforts to obtain DBE participation to meet or exceed the project DBE goal. BECO will approve or deny the contractor's good faith efforts. Good faith efforts required under the provisions of this section may vary, depending on the time available, the nature of the change, who initiated the change, and other factors as determined by BECO.

The contractor is not required to take work committed to another subcontractor and assign it to a DBE subcontractor in order to meet the committed DBE percentage.

If the resulting change increases the scope or quantity of work being done by a DBE subcontractor, the DBE shall be given the opportunity to complete the additional work and receive additional compensation beyond their original subcontract amount.

20.0 DBE Participation Above the Goal (Race Neutral Participation):

Additional DBE participation above the DBE participation required to meet the contract DBE goal is an important aspect of the Department's DBE program. The contractor is strongly encouraged to use additional DBEs above the DBE goal requirement in the contract to assist the Department in meeting its overall DBE goal and help the Department to meet the maximum feasible portion of its DBE goals through race neutral participation as outlined in 49 CFR Part 26.

There are fewer administrative requirements on the part of the contractor when using race neutral DBEs (DBEs not listed on the DBE Intended Participation Affidavit Summary). For example, if a DBE is not listed on the DBE Intended Participation Affidavit Summary, the DBE does not have to submit an Affidavit, and the subcontract approval process follows the same process of any other subcontract. The contractor does not have to replace the race neutral DBE with another DBE subcontractor if the race neutral DBE fails to perform. Therefore these DBEs are treated as any other subcontractor on the project.

21.0 Required Provisions for DBE Subcontracts:

All subcontracts of any tier, all supply contracts, and any other contracts in which a DBE is a party shall include, as a physical attachment, DBE Subcontract Compliance Assurances available on BECO's website.

Contractors executing agreements with subcontractors, DBE or non-DBE, that materially modify federal regulation and state statutes such as, prompt payment and retention requirements, through subcontract terms and conditions will be found in breach of contract which may result in termination of the contract, or any other such remedy as the Engineer deems appropriate as outlined in DBE Subsection 2.0.

The Department reserves the right to conduct random reviews of DBE and non-DBE subcontract documentation to ensure compliance with federal requirements.

The contractor shall ensure that all subcontracts or agreements with DBEs to supply labor or materials require that the subcontract and all lower tier subcontracts be performed in accordance with 49 CFR Part 26.

22.0 Contract Performance:

Contract items of work designated by the contractor to be awarded to DBEs shall be performed by the designated DBE or a Department-approved DBE substitute. DBE contract work items shall not be performed by the contractor, or a non-DBE subcontractor without prior approval by BECO. The DBE must perform a commercially useful function; that is, the DBE must manage, perform, and supervise a distinct element of work.

The contractor is required to use DBEs identified to meet the contract goal, so the prime contractor is responsible for ensuring that the DBEs are available to meet scheduling, work and other requirements on the contract.

The Department will visit the contract worksite to conduct reviews to ensure compliance with DBE requirements. The reviews may include, among other activities, interview of DBEs and their employees and the contractor and its employees. The contractor shall cooperate in the review and make its employees available. The contractor shall inform the Engineer in advance when each DBE will be working on the project to help facilitate reviews.

The Department reserves the right to inspect all records of the contractor and all records of the DBEs and non-DBE subcontractors concerning this contract. The contractor must make all documents related to all contracts available to ADOT upon request in accordance with Subsection 107.18.

In accordance with Subsection 108.01 of the specifications, the contractor shall provide to the Engineer, at the pre-construction conference, copies of all completed and signed subcontracts, purchase orders, invoices, etc., with all committed DBEs. These documents shall include the AZ UTRACS Registration number for the subcontractor or materials supplier.

Use of every DBE listed on the DBE Intended Participation Affidavit Summary is a condition of this contract. The contractor shall utilize the specific DBEs listed to perform the work and supply the materials for which each is listed on the Intended Participation Affidavit Summary unless the contractor obtains the Department's written consent. The contractor shall not be entitled to any payment for work or material that is not performed or supplied by the listed DBE, unless the Department has consented in writing.

23.0 Joint Checks:

23.01 Requirements:

A DBE subcontractor and a material supplier (or equipment supplier) may request permission for the use of joint checks for payments from the prime contractor to the DBE subcontractor and the supplier. Joint checks may be issued only if all the conditions in this subsection are met.

1. The DBE subcontractor must be independent from the prime contractor and the supplier, and must perform a commercially useful function. The DBE subcontractor must be responsible for negotiating the price of the material, determining quality and quantity, ordering the materials, installing (where applicable), and paying for the material. The DBE subcontractor may not be utilized as an extra participant in a transaction, contract, or project in order to obtain the appearance of DBE participation.
2. The use of joint checks will be allowed only if the prime contractor, DBE subcontractor, and material supplier establish that the use of joint checks in similar transactions is a commonly recognized business practice in the industry, particularly with respect to similar transactions in which DBE's do not participate.
3. A material or supply contract may not bear an excessive ratio relative to the DBE subcontractor's normal capacity.
4. There may not be any exclusive arrangement between one prime and one DBE in the use of joint checks that may bring into question whether the DBE is independent of the prime contractor.
5. Any arrangement for joint checks must be in writing, and for a specific term (for example, one year, or a specified number of months) that does not exceed a reasonable time to establish a suitable credit line with the supplier.
6. The prime contractor may act solely as the payer of the joint check, and may not have responsibility for establishing the terms of the agreement between the DBE subcontractor and the supplier.
7. The DBE must be responsible for receiving the check from the prime contractor and delivering the check to the supplier.

8. The prime contractor cannot require the DBE subcontractor to use a specific supplier, and the prime contractor may not participate in the negotiation of unit prices between the DBE subcontractor and the supplier.

23.02 Procedure and Compliance:

1. The Business Engagement and Compliance Office must approve the agreement for the use of joint checks in writing before any joint checks are issued. The prime contractor shall submit a DBE joint check request form, available from the BECO website, along with the joint check agreement, to BECO through email within seven calendar days from the time the subcontract is executed.
2. After obtaining authorization for the use of joint checks, the prime contractor, the DBE, and the supplier must retain documentation to allow for efficient monitoring of the agreement.
3. Copies of canceled checks must be submitted, with the payment information for the period in which the joint check was issued, electronically through email to BECO, and made available for review at the time of the onsite CUF review. The prime contractor, DBE, and supplier each have an independent duty to report to the Department in the case of any change from the approved joint check arrangement.
4. Any failure to comply will be considered by the Department to be a material breach of this contract and will subject the prime contractor, DBE, and supplier to contract remedies and, in the case of serious violations, a potential for termination of the contract, reduction or loss of prequalification, debarment, or other remedies which may prevent future participation by the offending party.

24.0 DBE Termination/Substitution:

24.01 General Requirements:

The contractor shall make all reasonable efforts to avoid terminating or substituting a DBE listed on the DBE Intended Participation Affidavit Summary. At a minimum, the contractor shall negotiate in good faith, give timely notices and/or extend deadlines to the extent that it will not jeopardize the contract with the Department. Reasonable methods to resolve performance disputes must be applied and documentation provided to the Department before attempting to substitute or terminate a DBE.

24.02 Contractor Notice of Termination/Substitution:

All terminations, substitutions, and reductions in scope of work to be performed by DBEs listed on the DBE Intended Participation Affidavit Summary must be approved in writing by BECO. The contractor shall contact the Department within 24 hours from the first sign of any reason for potential DBE termination/substitution.

The contractor shall not terminate a DBE subcontractor listed on the DBE Intended Participation Affidavit or complete the work contracted to the DBE with its own forces or with a non-DBE firm without the Department's written consent. Before submitting a formal request to the Department for DBE termination/substitution, the contractor shall give written notice to the DBE subcontractor with a copy to BECO of its intent to terminate or substitute the DBE identifying the reason for the action. The notice shall include the deadline for the DBE to submit a written response advising the contractor and BECO of its position, which shall be a minimum of five calendar days after the notice is given. The Department will consider both the contractor's request and the DBE firm's response before approving the contractor's termination and substitution request.

24.03 Contractor Request for Termination/Substitution:

The contractor shall formally request the termination or substitution of a DBE listed on the DBE Intended Participation Affidavit Summary by submitting the DBE Termination/Substitution Request form, available from the BECO website, and supporting documentation to BECO. The submission shall include the following information:

- 1) The date the contractor determined the DBE to be unwilling, unable, or ineligible to perform.
- 2) A brief statement of facts describing the situation and citing specific actions or inaction by the DBE firm giving rise to contractor's assertion that the DBE firm is unwilling, unable, or ineligible to perform.
- 3) A brief statement of the good faith efforts undertaken by the contractor to enable the DBE firm to perform.
- 4) The total dollar amount currently paid for work performed by the DBE firm.
- 5) The total dollar amount remaining to be paid to the DBE firm for work completed, but for which the DBE firm has not received payment, and over which the contractor and the DBE firm have no dispute.
- 6) The projected date that the contractor requires a substitution or replacement DBE to commence work, if consent is granted to the request.
- 7) The DBE's response to the notice of intent to terminate. If there is no response from the DBE within the time allowed in the notice of intent to terminate, the contractor shall state that no response was received.

Any requests for substitutions or terminations of DBEs shall be made on the forms provided online by BECO.

Written consent for terminating the performance of any DBE listed on the DBE Intended Participation Affidavit Summary will be granted only where the contractor can demonstrate good cause showing that the DBE is unable, unwilling, or ineligible to perform. Such written consent to terminate any DBE shall concurrently constitute written consent to substitute or replace the terminated DBE. Termination or substitution of a DBE listed on the DBE Intended Participation Affidavit Summary will not be allowed based solely on a contractor's ability to negotiate a more advantageous contract with another subcontractor. The Department will

consider both the contractor's request and DBE's response and explanation before approving the contractor's termination and substitution request.

24.04 Good Cause:

The Department will make the determination of good cause by providing written consent to the contractor after evaluating the contractor's good cause to terminate or substitute a DBE firm. Good cause for this purpose includes the following in relation to the listed DBE subcontractor:

1. Fails or refuses to execute a written contract.
2. Fails or refuses to perform the work of its subcontract in a way consistent with normal industry practice standards. However, good cause does not exist if the failure or refusal of the DBE subcontractor to perform its work on the subcontract results from the bad faith or discriminatory action of the prime contractor.
3. Fails or refuses to meet the prime contractor's reasonable, nondiscriminatory bond/insurance requirements.
4. Becomes bankrupt, insolvent, or exhibits credit unworthiness.
5. Is ineligible to work on public works projects because of suspension and debarment proceedings pursuant to federal or state law.
6. Is not a responsible contractor.
7. Voluntarily withdraws from the project and provides written notice of its withdrawal to the Department.
8. Is ineligible to receive DBE credit for the type of work required.
9. A DBE owner dies or becomes disabled with the result that the firm is unable to complete its work on the contract.
10. Other documented good cause that the Department determines compels the termination or substitution of the DBE subcontractor.

24.05 DBE Termination/Substitution Good Faith Effort:

If the Department approves the termination of a DBE, the contractor shall make good faith efforts to find another DBE subcontractor to substitute for the original DBE. The good faith efforts as identified in DBE Subsection 15.0 shall be directed at finding another DBE to perform at least the same amount of work under the contract as the DBE that was terminated, to the extent needed to meet the contract goal. If a replacement DBE is not identified for the original DBE's work, the good faith efforts shall be documented and provided to the Department within seven calendar days from the date the Department approves the termination. The Department will review when the termination was made, the nature of the efforts to replace the terminated DBE, and other factors as determined by BECO.

A prime contractor's inability to find a replacement DBE at the original price is not alone sufficient to support a finding that good faith efforts have been made to replace the original DBE. The fact that the contractor has the ability and/or desire to perform the contract work with its own forces does not relieve the contractor of the obligation to make good faith efforts to find the replacement DBE, and it is not a sound basis for rejecting a prospective replacement DBE's reasonable quote.

The termination of a DBE firm shall not relieve the contractor of its obligations under this Special Provision, and the unpaid portion of the terminated DBE firm's subcontract will not be counted toward the DBE goal.

If the Department has eliminated items of work subcontracted to a committed DBE, the prime contractor shall still make good faith efforts to replace the DBE with another DBE to the extent necessary to meet the goal. The Department will review the quality, thoroughness, and intensity of those efforts and give consideration to when the change was made, the nature of the change, and other factors as determined by BECO.

When a DBE substitution is necessary, the contractor shall submit an amended DBE Intended Participation Affidavit and Intended Participation Affidavit Summary to BECO for approval with the substitute DBE's name, description of work, NAICS code, AZ UTRACS registration number, and dollar value of work to the Engineer and the Department's BECO. Approval from BECO must be obtained prior to the substituted DBE beginning work.

24.06 Sanctions:

Failure by the contractor to carry out the requirements of the Department's DBE Termination/Substitution specifications is a material breach of contract and will result in such remedies as the Department deems appropriate, which will include, but are not limited to the assessment of liquidated damages. The Department will deduct from monies due or becoming due the contractor, the dollar amount of the wrongfully substituted/replaced DBE subcontract plus 25 percent of the amount remaining to be paid to the DBE as liquidated damages. These liquidated damages shall be in addition to all other retention or liquidated damages provided for elsewhere in the contract.

25.0 Certification of Final DBE Payments:

The contractor's achievement of the goal is measured by actual payments made to the DBEs. The contractor shall submit the "Certification of Final DBE Payments form for each DBE firm working on the contract. This form shall be signed by the contractor and the relevant DBE, and submitted to the Engineer no later than 30 days after the DBE completes its work.

ADOT will use this certification and other information available to determine applicable DBE credit allowed to date by the contractor and the extent to which the DBE firms were fully paid for that work. By the act of filing the forms, the contractor acknowledges that the information is supplied in order to justify the payment of state and federal funds to the contractor.

The contractor will not be released from the obligations of the contract until the "Certification of Final DBE Payments" forms are received and deemed acceptable by the Engineer and BECO.

26.0 Sanctions for Not Meeting Contract DBE Goal:

If the Department determines that the contractor has, without justification, not met the established DBE goal the Department will, at its discretion, deduct up to two times the amount of the unattained portion of established DBE goal from monies due or becoming due the contractor as liquidated damages, based on the circumstances of the noncompliance.

In determining whether liquidated damages will be assessed and the amount of the liquidated damages, the State Construction and Materials Engineer will consider whether there have been other violations on this or other contracts, whether the failure was due to circumstances beyond the control of the contractor, whether the contractor has made good faith efforts to meet the goal, and other appropriate circumstances. The contractor may, within 15 calendar days of receipt of the decision of the State Construction and Materials Engineer, escalate the decision to the State Engineer. If the contractor does not escalate the decision of the State Construction and Materials Engineer, in writing, within 15 calendar days of receipt of the decision, the contractor will be deemed to have accepted the decision and there will be no further remedy for the contractor. If the contractor escalates the decision to the State Engineer, and the contractor does not agree with the State Engineer's decision, the contractor may initiate litigation, arbitration or mediation pursuant to Subsection 105.21(D) and (E) of the Standard Specifications.

In addition to any other sanctions, willful failure of the contractor, DBE or other subcontractor to comply with this contract or with the Federal DBE regulations may result in disqualification from further contracting, subcontracting, or other participation in the Department's projects.

27.0 False, Fraudulent, or Dishonest Conduct:

In addition to any other remedies or actions, the Department will bring to the attention of the US Department of Transportation any appearance of false, fraudulent, or dishonest conduct in connection with the DBE program, so that USDOT can take steps such as referral to the Department of Justice for criminal prosecution, referral to the USDOT Inspector General for possible initiation of suspension and debarment proceedings against the offending parties or application of "Program Fraud and Civil Penalties" rules provided in 49 CFR Part 31.

DRAFT

**** FOR USE ON FEDERAL AID PROJECTS. ****

(109RET, 7/01/16)

SECTION 109 MEASUREMENT AND PAYMENT:

109.06(A) Partial Payments: the first paragraph of the Standard Specifications is revised to read:

If satisfactory progress is being made, the contractor will receive a payment each month based on the amount of work completed during the preceding month. The Department will prepare a draft monthly estimate for review by the contractor. The contractor shall work with the Engineer to finalize the monthly estimate. When the Engineer and the contractor have reached agreement, the final monthly estimate will be prepared and signed by the contractor and the Engineer. The contractor's signature constitutes a certification that the work was satisfactorily performed, meets the specifications, and the quantities reported are accurate regardless of whether the work was performed by the contractor or a subcontractor. The Engineer will submit signed monthly estimate for payment.

Except as herein provided, the Department will not retain monies from the monthly payments.

109.06(B) Subcontractor Payments: of the Standard Specifications is revised to read:

(1) Retention:

If the prime contract does not provide for retention, the contractor and each subcontractor of any tier shall not withhold retention on any subcontract. If the prime contract provides for retention, the prime contractor and each subcontractor of any tier shall not retain a higher percentage than the Department may retain under the prime contract.

(2) No Set-offs Arising from Other Contracts:

If a subcontractor is performing work on multiple contracts for the same contractor or subcontractor of any tier, the contractor or subcontractor of any tier shall not withhold or reduce payment from its subcontractors on the contract because of disputes or claims on another contract.

(3) Partial Payment:

The contractor and each subcontractor of any tier shall make prompt partial payments to its subcontractors within seven days of receipt of payment from the Department. Notwithstanding any provision of Arizona Revised Statutes Section 28-6924, the parties may not agree otherwise.

(4) Final Payment:

The contractor and each subcontractor of any tier shall make prompt final payment to each of its subcontractors. The contractor and each subcontractor of any tier shall pay all monies, including retention, due to its subcontractor within seven days of receipt of payment. Notwithstanding any provision of Arizona Revised Statutes Section 28-6924, the parties may not agree otherwise.

(5) Payment Reporting:

For the purposes of this subsection "Reportable Contracts" means any subcontract, of any tier, DBE or non-DBE, by which work shall be performed on behalf of the contractor and any contract of any tier with a DBE material supplier.

The requirements of this subsection apply to all Reportable Contracts.

Payment Reporting for all Reportable Contracts shall be done through the Department's web-based DBE System. The DBE System can be accessed from the Department's BECO website. No later than fifteen calendar days after the preconstruction conference, the contractor shall log into the Department's web-based DBE system and enter or verify the name, contact information, and subcontract amounts for Reportable Contracts on the project. As Reportable Contracts are approved over the course of the contract, the contractor shall enter them in the system. Reportable contracts shall be entered into the system no later than five calendar days after approval by the Department.

The contractor shall report on a monthly basis indicating the amounts actually paid and the dates of each payment under any Reportable Contract on the project. In addition, the contractor shall require that all participants in any Reportable Contract electronically verify receipt of payment on the contract by the last day of the month and the contractor shall actively monitor the Department's DBE System to ensure that the verifications are input. The contractor shall proactively work to resolve any payment discrepancies in the DBE System between payment amounts it reports and payment confirmation amounts reported by others.

The contractor shall ensure that all Reportable Contract activity is reported to the Department. This includes all lower-tier Reportable Contracts.

The contractor shall maintain records for each payment explaining the amount requested by the subcontractor, and the amount actually paid pursuant to the request, which may include but are not limited to, estimates, invoices, pay requests, copies of checks or wire transfers, and lien waivers in support of the monthly payments in the ADOT DBE System.

The contractor shall provide information for payments made on all Reportable Contracts during the previous month by the 15th day of the current month. In the event that no payments were made during a given month, the contractor shall identify that by entering a dollar value of zero. If the contractor does not pay the full amount of any invoice from a subcontractor, the contractor shall note that and provide the reasons in the comment section of the Monthly Payment Audit of the ADOT DBE System.

For each Reportable Contract on which the contractor fails to submit timely payment information the Department will retain \$1,000.00 as liquidated damages, from the monies due to the contractor. Liquidated damages will be deducted each month for each Reportable Contract on which the contractor fails to submit payment information until the contractor provides the required information as described herein. After 90 consecutive days of non-reporting, the liquidated damages will increase to \$2,000.00 for each subsequent month, for each Reportable Contract on which the contractor fails to report until the information is provided. These liquidated damages shall be in addition to all other retention or liquidated damages provided for elsewhere in the contract.

The contractor shall ensure that a copy of this Subsection is included in every Reportable Contract of every tier.

(a) Sanctions for Inadequate Reporting:

For each Reportable Contract on which the contractor fails to submit timely and complete payment information the Department will retain \$1,000.00 as liquidated damages, from the monies due to the contractor. Liquidated damages will be deducted each month for each Reportable Contract on which the contractor fails to submit payment information until the contractor provides the required information as described herein. After 90 consecutive days of non-reporting, the liquidated damages will increase to \$2,000.00 for each subsequent month, for each Reportable Contract on which the contractor fails to report until the information is provided. These liquidated damages shall be in addition to all other retention or liquidated damages provided for elsewhere in the contract.

(6) Completion of Work:

A subcontractor's work is satisfactorily completed when all the tasks called for in the subcontract have been accomplished, documented, and accepted by the Department.

(7) Disputes:

If there is a discrepancy between what is reported by the contractor in the ADOT DBE System and what the subcontractor indicates an alert email will automatically be sent to the contractor. The email will be sent to the email address provided by the contractor in the Department's DBE System. It is the contractor's responsibility to ensure that the email address in the DBE System is kept current.

The contractor shall provide a verifiable explanation of the discrepancy in the DBE System as early as practicable but in no case later than seven days after the date of the alert email.

The Engineer will determine whether the contractor has acted in good faith concerning any such explanations. The Department reserves the right to request and receive documents from the contractor and all subcontractors of any tier, in order to determine whether prompt payment requirements are met.

The contractor shall implement and use the dispute resolution process outlined in the subcontract, as described in Subsection 108.01, to resolve payment disputes.

(8) Non-compliance:

Failure to make prompt partial payment, or prompt final payment including any retention, within the time frames established above, will result in remedies, as the Department deems appropriate, which may include but are not limited to:

- (a) **Liquidated Damages:** These liquidated damages shall be in addition to all other retention or liquidated damages provided for elsewhere in the contract.
 - (i) The Department will withhold two times the disputed dollar amount not paid to each subcontractor.
 - (ii) If full payment is made within 30 days of the Department's payment to the contractor, the amount withheld by the Department will be released.
 - (iii) If full payment is made after 30 days of the Department's payment to the contractor, the Department will release 75 percent of the funds withheld. The Department will retain 25 percent of the monies withheld as liquidated damages.
- (b) **Additional Remedies.** If the contractor fails to make prompt payment for three consecutive months, or any four months over the course of one project, or if the contractor fails to make prompt payment on two or more projects within 24 months, the Department may, in addition, invoke the following remedies:
 - (i) Withhold monthly progress payments until the issue is resolved and full payment has been made to all subcontractors, subject to the requirements of paragraph (a) above,
 - (ii) Terminate the contract for default in accordance with Subsection 108.10, and/or
 - (iii) Disqualify the contractor from future bidding, temporarily or permanently, depending on the number and severity of violations.

In determining whether liquidated damages will be assessed, the extent of the liquidated damages, or additional remedies assessed, the State Construction and Materials Engineer will consider whether there have been other violations on this or other contracts, whether the failure to make prompt payment was due to circumstances beyond the contractor's control, and other circumstances. The contractor may, within 15 calendar days of receipt of the decision of the State Construction and Materials Engineer, escalate the decision to the State Engineer. If the contractor does not escalate the decision of the State Construction and Materials Engineer, in writing to the State Engineer, within 15 calendar days of receipt of the decision, the contractor will be deemed to have accepted the decision and there will be no further remedy for the contractor. If the contractor escalates the decision to the State Engineer, and the contractor does not agree with the State Engineer's decision, the contractor may initiate litigation, arbitration or mediation pursuant to Subsection 105.21(D) and (E) of the Standard Specifications.

109.06(C) Payroll Submittals: of the Standard Specifications is revised to read:

The contractor shall submit payrolls electronically through the internet to the Department's web-based certified payroll tracking system. This requirement shall also apply to every lower-tier subcontractor that is required to provide certified payroll reports.

If, by the 15th of the month, the contractor has not submitted its payrolls for all work performed during the preceding month, the Engineer will provide written notification of the discrepancies to the contractor. For each payroll document that the contractor fails to submit within 10 days after the written notification, the Department will retain \$2,500.00 from the progress payment for the current month. The contractor shall submit each complete and correct payroll within 90 days of the date of written notification. If the payroll is complete and correct within the 90-day time frame, the Department will release the \$2,500.00 on the next monthly estimate. For each payroll that is not acceptable until after the 90-day time frame, the Department will only release \$2,000.00 of the \$2,500.00 retained. The Department will retain \$500.00 as liquidated damages. Such \$500.00 retentions will not relieve the contractor of its responsibility to provide each required payroll, complete and correct, as specified above. These liquidated damages shall be in addition to all other retention or liquidated damages provided for elsewhere in the contract.

109.07 Partial Payment for Material on Hand: the fifth paragraph of the Standard Specifications is hereby deleted.

ARIZONA DEPARTMENT OF TRANSPORTATION POLICIES AND PROCEDURES

SUP-3.05 DISADVANTAGED BUSINESS ENTERPRISE POLICY

Effective: April 3, 2014
Supersedes: SUP-3.05 (7/09/2001)
Responsible Office: Business Engagement and
Compliance Office (602) 712-4071

Review: April 3, 2016
Transmittal: 2014 – April
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5.01 PURPOSE

To provide guidelines for the implementation and application of Arizona Department of Transportation's (ADOT) Disadvantaged Business Enterprise (DBE) Program.

5.02 SCOPE

The following standards and regulations apply to all U.S. Department of Transportation [U.S. DOT (DOT)] assisted federally-funded contracts administered by ADOT, all ADOT employees, Subrecipients, Local Public Agencies (LPAs), prime contractors and consultants, subcontractors, subconsultants, Disadvantaged Business Enterprises (DBEs), Non-Disadvantaged Business Enterprises (DBEs), Small Business Concerns (SBCs), or any other vendor entities that do business with ADOT on DOT-assisted contracts.

5.03 AUTHORITY

Arizona Revised Statutes [\(A.R.S.\)§ 28-411](#)
Arizona Revised Statutes [\(A.R.S.\)§ 32-1129.02](#)
[Title 49, Code of Federal Regulations \(CFR\) Part 26](#)

5.04 DEFINITIONS

Disadvantaged Business
Enterprise (DBE)

A firm certified through the Arizona Unified Certification Program in accordance with [49 CFR Part 26](#) which is a for-profit small business concern:

(1) That is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged individuals or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals; and

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(2) Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged owners.

Disadvantaged Business Enterprise (DBE) Liaison Officer

Arizona Department of Transportation (ADOT) representative responsible for implementing all aspects of ADOT's Disadvantaged Business Enterprise (DBE) Program who shall have direct, independent access to ADOT Director concerning DBE program matters. The Manager of the Business Engagement and Compliance Office (BECO) shall serve as ADOT's DBE Liaison Officer.

DOT-Assisted/Federally-Funded Contract

Any contract between a recipient and a contractor (at any tier) funded in whole or in part with the U.S. Department of Transportation (DOT) financial assistance, including letters of credit or loan guarantees, except a contract solely for the purchase of land.

Good Faith Efforts

When a Disadvantaged Business Enterprise (DBE) goal is established on a contract, the contract must be awarded only to firms who make good faith efforts to meet the DBE goals. Good faith efforts have been made if the bidder/offer does one of the following:

(1) documents that it has obtained enough Disadvantaged Business Enterprise (DBE) participation to meet the goal; or

(2) documents that it made adequate good faith efforts to meet the goal, even though it did not succeed in obtaining enough Disadvantaged Business Enterprise (DBE) participation to do so. If the bidder/offeror does document adequate good faith efforts, Arizona Department of Transportation (ADOT) must not deny award of the contract on the basis that the bidder/offeror failed to meet the goal. Appendix A of 49 CFR Part 26 provides guidance in determining the adequacy of a bidder/offeror's good faith efforts.

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Local Public Agency	A legal entity (e.g., cities, counties, towns, tribal, etc.) to which a funding sub-award is made by the Recipient [Arizona Department of Transportation (ADOT)] and is accountable to the Recipient (ADOT) for the use of the fund. May also be referred as Subrecipient.
Non-DBE Firm	A firm that does not meet the requirements to be certified as a DBE in accordance with 49 CFR Part 26.
Race-Conscious	A measure or program, such as the use of individual contract goals that focuses on specifically assisting Disadvantaged Business Enterprises (DBEs) A contract containing a DBE goal is considered a race-conscious contract.
Race-Neutral	Activities or program used to assist all small businesses equally, including Disadvantaged Business Enterprises (DBEs). For the purposes of this part, race-neutral includes gender-neutrality. Race-Neutral contracts have no DBE goals and race-neutral participation on a contract means that the bidder/offeror has voluntarily chosen to utilized DBEs on a contract. A race-neutral contract is also one in which a DBE firm is the prime consultant or contractor and DBE status did not play a part in the awarding of the contract.
Recipient	An organization, like Arizona Department Of Transportation (ADOT), that receives financial assistance directly from Federal awarding agencies to carry out transportation related projects or programs.
Small Business Concern	A small business concern is defined pursuant to Section 3 of the Small Business Act and Small Business Administration regulations (<u>13 CFR Part 121</u>), as a company that does not exceed the size cap for average annual gross income for its primary <u>North American Industry Classification System</u> (NAICS) code.

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Subrecipient

A legal entity, such as a Local Public Agency (LPA), to which a funding sub-award is made by the Recipient (Arizona Department Of Transportation – [ADOT]) and which is accountable to the Recipient (ADOT) for the use of the fund.

5.05 BACKGROUND

The United States Congress has made a determination that certain classes of businesses, described as Disadvantaged Business Enterprises (DBEs), have been underutilized based on past discrimination. Congress authorized and U.S. Department of Transportation (DOT) has implemented rules to promote utilization of DBEs in projects utilizing federal funding. DOT implemented the DBE Program in 1982 and today the program is carried out by State and local transportation agencies under the rules and guidelines established in Title 49 CFR Part 26. The DBE program is unique to the transportation industry and covers DOT-assisted contracts awarded by ADOT and its Subrecipients. As required by law, ADOT receiving certain types of federal Transportation funding from DOT must implement a DBE Program and establish triennial DBE participation goal as required by federal regulations.

Arizona Department of Transportation (ADOT) has established a Disadvantaged Business Enterprise (DBE) Program in accordance with the regulations of the 49 CFR Part 26. ADOT has received Federal financial assistance from U.S. Department of Transportation (DOT) and as a condition of receiving funding assistance, ADOT has signed an assurance that it will comply with 49 CFR Part 26.

The policy covers the Disadvantaged Business Enterprise (DBE) Program for three U.S. Department of Transportation (DOT) administrations: Federal Highway Administration (FHWA), Federal Transit Administration (FTA) and Federal Aviation Administration (FAA). The policy was reviewed and updated on February 9, 2003, as a result of 1999 revised regulations. In 2013, the policy was updated to reflect comprehensive changes in federal regulation requirements outlined in 49 CFR Part 26.

5.06 POLICY**ADOT Policy Statement**

- A. It is ADOT's policy to ensure that Disadvantaged Business Enterprise (DBE)s, as defined in 49 CFR Part 26, have an equal opportunity to receive and participate in U.S. Department of Transportation (DOT) -assisted contracts. It is also ADOT's policy to:
1. Ensure nondiscrimination in the award and administration of DOT-assisted contracts;
 2. Create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
 3. Ensure that the DBE Program is narrowly tailored in accordance with applicable law;

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4. Ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are counted as Disadvantaged Business Enterprises (DBEs);
5. Help remove barriers to the participation of DBEs in U.S. Department of Transportation (DOT)-assisted contracts; and
6. Assist in the development of firms that can compete successfully in the market place outside the DBE program.

DBE Certification and Development

- B. Implementation of the Disadvantaged Business Enterprise (DBE) Program is accorded the same priority as compliance with all other legal obligations incurred by Arizona Department of Transportation (ADOT) in financial assistance agreements with U.S. Department of Transportation (DOT).
- C. All ADOT Divisions, Sections/Group and Subrecipients that procure/advertise, utilize or administer contracts with federal aid funding are responsible for ensuring that DBE requirements are met.
- D. The Business Engagement and Compliance Office (BECO) shall establish and oversee the implementation of the DBE Program, as required, for each federal agency that provides transportation funding to ADOT (Federal Highway Administration, Federal Transit Administration, and Federal Aviation Administration).
- E. Business Engagement and Compliance Office (BECO) is responsible for recruiting and registering vendors, certifying Disadvantaged Business Enterprises (DBEs) and registering Small Business Concerns (SBC) in accordance with eligibility requirements and guidelines outlined in 49 CFR Part 26.
- F. Business Engagement and Compliance Office (BECO) has implemented the Arizona Unified Transportation Registration and Certification System (AZ UTRACS) website, which includes a statewide centralized database of Disadvantaged Business Enterprise (DBE) companies and (registered Small Business Concerns [SBCs], as well as a vendor database of Prime Consultants and Contractors) that have indicated that they are ready, willing and able to perform work on federally-funded ADOT and local government transportation projects in the state of Arizona, as required by 49 CFR Part 26. Prime Consultants and Contractors, must register as a vendor through AZ UTRACS to work on federally-funded contracts.
- G. Business Engagement and Compliance Office (BECO) in collaboration with other Arizona Department of Transportation (ADOT) Divisions and Sections is also responsible for conducting business development, education, training, and outreach programs to help remove barriers to entry and assist Disadvantaged Business Enterprises (DBEs) and other small businesses to successfully participate in federally-funded contracts statewide.
- H. Arizona Department of Transportation (ADOT) is responsible for submitting and securing approval of a statewide triennial Disadvantage Business Enterprise (DBE) goal from DOT. Business Engagement and Compliance Office (BECO) will coordinate with other ADOT Divisions

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and Sections, as well as with external stakeholders, to implement a DBE Availability and Disparity Study about every 5 years, as required by the Ninth Circuit Court of Appeals and develop and secure approval of the ADOT's triennial DBE goal through DOT.

DBE Compliance and Reporting

- I. The Business Engagement and Compliance Office (BECO) Manager is the designated Arizona Department of Transportation (ADOT), Disadvantaged Business Enterprise (DBE) Liaison and is responsible for implementing, monitoring and enforcing all aspects of the DBE Program.
- J. The Disadvantaged Business Enterprise (DBE) Liaison shall coordinate with the Business Engagement and Compliance Office (BECO) staff, ITD management, ADOT contracting groups, Subrecipients, Local Public Agencies (LPAs), DBEs, Consultants, Contractors and other relevant parties to implement the program and work to ensure that DBE goals and regulations are met.
- K. ADOT Project Managers (for design contracts), Contracts and Specifications Engineers (for construction contracts), Local Public Agency (LPA) DBE Liaison Officers and others requesting the procurement/letting of contracts are responsible for submitting the DBE goal requests for all federally-funded contracts to BECO and ensuring that DBEs and small businesses are utilized as outlined in the contracts under their supervision.
- L. Prime Consultants and Contractors involved in federally-funded contracts are responsible for utilizing DBEs to meet contract goals as outlined in their contracts. Prime Consultants and Contractors must contact Business Engagement and Compliance Office (BECO) for approval before making any changes to DBEs listed on contracts to meet contract goals. Failure to do so could result in sanctions as outlined in the contract.
- M. Arizona Department of Transportation (ADOT) contracting related departments (including Engineering Consultants Section, Contracts and Specifications, Field Reports, Multimodal Planning Division, Procurement Group and the Grand Canyon Airport), Subrecipients and LPAs administering federally-funded contracts must ensure compliance with ADOT's Disadvantaged Business Enterprise (DBE) Program by ensuring that:
 - 1. A designated Disadvantaged Business Enterprise (DBE) staff liaison is identified and assigned for its unit or department that will interface with Business Engagement and Compliance Office (BECO) to implement and administer DBE Program requirements and ensure that DBE contract provisions are met by consultants/contractors during contract advertisement/procurement, administration, and closeout.
 - 2. All federally-funded contracts are submitted to Business Engagement and Compliance Office (BECO) for Disadvantaged Business Enterprise (DBE) goal assessment. The goal will be assessed appropriately depending on the federal funding agency's DBE Program Plan.
 - 3. Nondiscrimination assurances, Disadvantaged Business Enterprise (DBE) regulation related contract language, forms, and special provisions are included in all federally-funded

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- contract. All such contract language shall be approved by Business Engagement and Compliance Office (BECO) prior to inclusion in contracts.
4. All DBEs on executed contracts are certified in the work category for which they are contracted to work on projects.
 5. All appropriate forms including Bidders List/Proposers List, Disadvantaged Business Enterprise (DBE) Assurances and Affidavits are submitted to the Business Engagement and Compliance Office (BECO) office as listed in Arizona Department of Transportation's (ADOT's) DBE Program Plan.
 6. All ADOT DBE compliance supporting forms are submitted to Business Engagement and Compliance Office (BECO) at contractorcompliance@azdot.gov.
 7. All federally-funded contract awards, DBE commitments, subconsultant information and contract payments for all contracts initiated by their Group or Agency are reported (created/entered, audited, monitored and closed) in the *Disadvantaged Business Enterprise (DBE) System database*:
 - a. Arizona Department of Transportation's (ADOT's) Departments:
ADOT DBE System
(<https://adot.dbesystem.com/FrontEnd/Vendors.asp?TN=adot&XID=6575>)
 - or
 - b. Subrecipients and Local Public Agencies: LPA System
(<https://arizonalpa.dbesystem.com/>)
 8. Good Faith Efforts requests with documentation are submitted promptly to the Business Engagement and Compliance Office (BECO) for approval.
 9. Ensure compliance with prompt payment of prime Consultants, Contractors, Disadvantaged Business Enterprises (DBEs), Small Business Concerns (SBCs) and other subcontractors pursuant to (A.R.S.)§ 28-411 and (A.R.S.)§ 32-1129.02
 10. Submit Federal Highway Administration (FHWA) Contract Awards and Disadvantaged Business Enterprise (DBE) Commitments Report monthly to Business Engagement and Compliance Office (BECO) at contractorcompliance@azdot.gov, by the 7th of each month.
 11. Monitor contracts and clear up all incomplete contract audits in the ADOT *Disadvantaged Business Enterprise (DBE) System* before May 1st and November 1st of each year to ensure timely and accurate semi-annual reporting to the federal agencies.
 12. Submit Certification of Final Payment form and documents that detail all payments made to Disadvantaged Business Enterprises (DBEs) for every federally-assisted contract to contractorcompliance@azdot.gov prior to contract closeout.

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- N. Business Engagement and Compliance Office (BECO) Field Compliance staff shall coordinate with Construction District staff and applicable sections/groups and Subrecipients to conduct Commercially Useful Function (CUF) onsite project reviews on ADOT and selected Local Public Agency (LPA) projects to determine if DBEs are the performing work as outlined in the contract.
- O. Business Engagement and Compliance Office (BECO) shall coordinate with Arizona Department of Transportation (ADOT) and Subrecipient contracting entities to ensure that all Disadvantaged Business Enterprise (DBE) regulations are met and when necessary, apply sanctions and other remedies for noncompliance in accordance with contract terms and conditions and 49 CFR Part 26.
- P. Business Engagement and Compliance Office (BECO) shall coordinate with ADOT contracting groups and Subrecipients to collect contract award, DBE commitment, contract payment and closeout data for reporting to Federal Highway Administration (FHWA), Federal Transit Administration (FTA), and Federal Aviation Administration (FAA) monthly and/or semi-annually in accordance with federal requirements.

This policy shall be disseminated to all Arizona Department of Transportation (ADOT) Divisions, Subrecipients and Local Public Agencies (LPAs). The Disadvantaged Business Enterprise (DBE) policy statement signed by ADOT with U.S. Department of Transportation (DOT) must also be distributed to DBE and non-DBE business communities that perform work on ADOT DOT-assisted contracts, per 49 CFR Part 26.

5.07 CORRESPONDING POLICIES

[PER-9.02 ADOT Nondiscrimination Policy](#)



Arizona's Transportation Business Portal

<http://www.AZUTRACS.com>

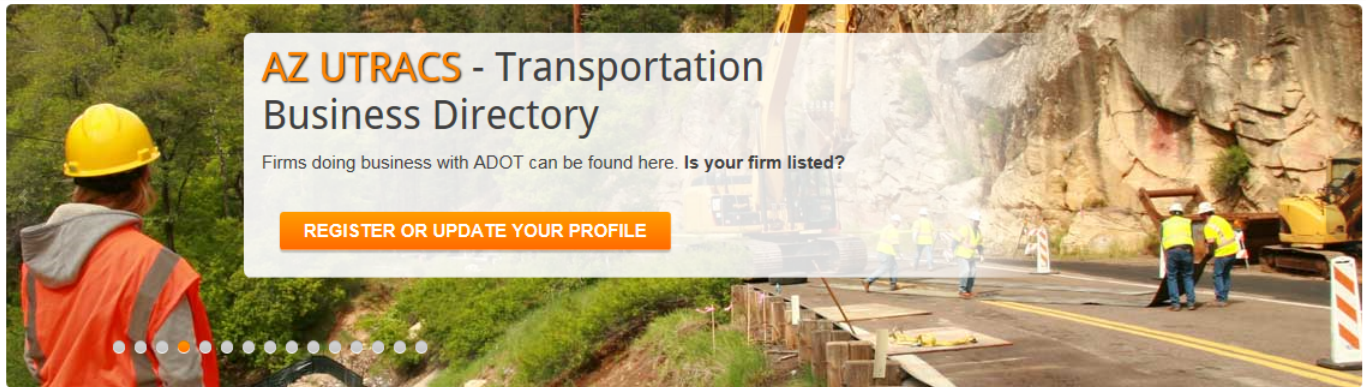


What Contractors need to know?

Launching **July 2016**, Arizona's Transportation Business Portal features:

- **Easy Access: One Portal / Multiple Applications** - The new AZ UTRACS Web Portal is a "one-stop" shop providing quick access to the ADOT DBE System, the AZ UTRACS Registration & Bidders/Proposers List, the Certified Payroll system and more.
- **3 ways to navigate:** The site has traditional menus, a picture slider with links for the most common tasks, and specialized "Who are you?" tabs, which provide information on all of the relevant content on the site based on the type of user, such as a DBE, an SBC, a Subcontractor, a Prime, an LPA and or by an ADOT employee. Application "Landing" Pages have information about the processes and the Home Page will have "Quick Log in" links to allow users who know which system they want to get into, quickly log in.
- **A new look for the ADOT DBE System:** ADOT's DBE System has a new look to match the new portal. Once you log in, you will see the same Dashboard you are accustomed to.
- **Robust Search Engine:** Now you can easily search for both AZ UTRACS and DBE Firms in one search engine. Search for firms (DBE's, brokers, suppliers, goods and services firms) by work categories, NAICS codes, business descriptions, work territory, and more!
 - The specialized search feature also helps Primes verify the type of work a DBE can do for DBE credit based on the NAICS code(s) the DBE is certified for which keeps everyone compliant.
- **Contractors now have a streamlined Registration process:** Now that AZ UTRACS Registration is required for all firms, it will be simpler to create and maintain a firm AZ UTRACS Registration. The registration process takes only minutes and contractors can update the registration easily at any time, and it's extended for another 3 years. Plus, Small Businesses can complete an SBC Registration by answering a few additional questions.

Note: All existing AZ UTRACS Registrations are being transferred, so remind firms to update their registration in the new system. **LOOK FOR A NEW 5 DIGIT AZUTRACS NUMBER!!**
- **A new Bidders/Proposers List Application:** Primes now use an easy online application to confirm the AZ UTRACS registration status for their subs and add each firm to a Bidders/Proposers list with just one click. Remind every firm you come into to contact with to get AZ UTRACS Registered; it's easy and it will help Primes meet contract requirements more efficiently.



Important Things to Remember

- 1) AZUTRACS.com is the new web portal you will use to access the AZ UTRACS System. It is a “one stop” portal that has links to the new AZ UTRACS Registration and Online Bidders List System and also has access to the ADOT DBE System and the Certified Payroll System for Construction firms. Look for “Quick Login” links to access different systems
- 2) Every firm bidding on projects or awarded work on a federally funded project with ADOT or Local Public Agencies in Arizona needs to access AZUTRACS.com to complete or maintain an AZ UTRACS Registration. This includes contractors, subcontractors, small businesses, DBEs, suppliers, brokers, and anyone else working on or submitting a bid for a project. Remind firms you work with to make sure they are AZ UTRACS Registered.
- 3) Paper Bidders List forms will no longer be accepted by the LPAs or ADOT. Without completing an online submission of a Bidders List AND sending it to the contractorcompliance@azdot.gov email box, your bid will be deemed as non-responsive, so you need to become familiar with the AZ UTRACS System and make sure you understand the new processes utilizing this new system.
- 4) To complete an online Bidders List, your firm must have an “ACTIVE” AZ UTRACS Registration, which is good for 3 years.
- 5) If your firm had an active registration as of July 1st, your firm’s registration was transferred with a primary contact. Add a Firm Description, select your firm category, and pay close attention to the “work territory” question, where you will identify which county or counties your firm is willing to work. Carefully select appropriate work categories to communicate your firm’s work capabilities.
- 6) Once your registration is submitted, you may search for your firm in the AZ UTRACS Firm Search Directory and identify the Primary and Secondary Contacts. Review your AZ UTRACS Firm Profile for accuracy.
- 7) The Primary and Secondary Contacts are the individuals in your firm who can provide access for any other firm employee to the Online Bidders List System. Providing access is simple. From the Contractor Compliance Menu, go to the Grant Access link and enter an email for each firm employee who needs access to the system.
- 8) Once you have access to the Bidders List, you can begin creating online Bidders Lists. They can be saved and added to as often as necessary. They can only be submitted once.
- 9) Any Bidders list can be copied and then edited for a new contract.
- 10) Once you submit a Bidders List in the AZ UTRACS Bidders/Proposers List System, you will receive an email. This email MUST be sent to contractorcompliance@azdot.gov within the proper timeframe to be a responsive bidder.
- 11) The DBE System can be accessed at any time from the AZUTRACS web portal. The DBE System has a new look but will function the same once you log in.
- 12) The DBE Search, now referred to as the AZUTRACS Firm (DBE) Search Directory, is new and improved.

Tips for gaining access to AZ UTRACS



The AZ UTRACS System requires you to log in to complete an AZ UTRACS Registration or to create a Bidders or Proposers List. This system is different from ADOT's DBE System <http://www.adot.dbesystem.com> where firms submitted AZ UTRACS Registrations prior to July 2016. For this reason, you will need to request new user credentials for AZ UTRACS in order to log in to the system. You do *NOT* need a log in to use the Firm Search Directory.

Gaining Access to the AZ UTRACS System is a two-step process.

PART 1 - Gets you "System Access", so you can Log In using a valid email and a password. This step is required for anyone wishing to access the system.

PART 2 – Establishes "Firm Access", so you can specify which firm or firms you want to register in AZ UTRACS. Gaining access to a firm requires you to provide a valid Tax ID # for your firm. If you do not complete this step, you can log in to the system, but you cannot access a firm because the pulldown asking you to select a firm will be empty.

For System Access

- 1) Click "Log In" found at the top right of the <http://www.AZUTRACS.com> home page. On the log in page, find the link that says "Request System Access" and complete the form to provide a valid email address and set your password. When you submit the form, a message displays at the top telling you to expect an email.
- 2) Look for an email from admin@azdot.gov and take precautions to prevent the email from ending up in your junk mail. When you receive the email, look for the "Activate my Email" link. Clicking the link confirms your email is valid and displays a message confirming the user log in account is set up. Now you can go to AZ UTRACS.com and log in using the link at the top right of the page.

Important Note: The activation email is only good for 48 hours, but you can use the link in the email to go to the AZ UTRACS Log in page <http://www.AZUTRACS.com/Account/Login> and click the link to "Resend Activation Email". Enter the email you registered with and a new email will be sent.

For Firm Access

- 3) The final step so you can begin an AZ UTRACS Registration or Bidders/Proposers List is to request access to the firm.
 - a. For firm access to the AZ UTRACS Registration System, navigate to the "Start AZ UTRACS Registration" page <https://utracs.azdot.gov/Registration/> and enter your Firm's Name and Tax ID number into the "Request Access to Firms" form at the top right of the page. The firm name should now be visible in the Firm Pulldown. Only two individuals from your firm can get access to the AZ UTRACS Registration System.
 - b. For firm access to the AZ UTRACS Bidders/Proposers List, contact your firm's Primary or Secondary Contact and ask them to grant you access. If you do not know who these individuals are, click the "Search (DBE) Firm Directory" link at the top of the home page and search for your firm. When your firm appears, click the "Firm Profile" and you will find the individuals who can grant you access to your firm. Note: If your firm doesn't appear in the search, then your firm is not yet AZ UTRACS Registered.

Questions or concerns during this process? *Let us help!*

Email us at AZUTRACS-Support@azdot.gov or call (602) 712-7761

Tips for getting AZ UTRACS Registered



The AZ UTRACS Registration process is simple and once submitted, adds a Firm Profile to the Firm Search Directory, so other firms can find your firm to partner together on Arizona Transportation projects. Some of the registration questions affect how firms will find you using the Search Tool, so use these tips to help you complete the Registration Form.

Getting Started

To start your registration, use the “**Register/Renew**” menu and click “**Start AZ UTRACS Registration**” to begin. Select your firm and begin filling out the Registration Form. Completing the form shouldn’t take long, but if you need to stop in the middle, hit save and you can come back and finish your registration later.

Completing the Registration Form

Below are things to consider when completing your AZ UTRACS Registration:

1. **Firm Description** – This field is fully searchable, so you can put any information that will other firms know the relevant information about your company. Be sure to include information that will help your firm stand out. Limit 1200 characters.
2. **Firm Type** – You can only select one category, so pick the best choice that most accurately reflects your firm.
3. **Ethnicity and Gender** – These are required questions. An explanation is available as to why these questions are asked.
4. **AZ Counties firm is willing to work in** – The Search functionality can search by specific counties, so think carefully about which counties you are willing to work in.
5. **Primary and Secondary Contacts** – These individuals are the only two individuals who can complete the registration. They are also responsible for granting access to other firms. The contact information displays on the Firm profile, so give careful consideration as to who should be listed.
6. **Primary Address and Mailing Address** – If your firm has a local office in Arizona, please use that address for the Physical address rather than listing a corporate office in another state. Be sure to select the correct County as well since that can be used in the Firm Search.
7. **Work Categories** – Choosing your work categories is the most critical part of the Registration form, because it is the most likely way other firms will search for you. Choose all of the relevant categories. You can choose work categories from both the Construction section and the Engineering Design & Professional Services sections, but make sure you have the proper licensing where applicable. If you do not see a relevant category or your firm offers a non-transportation type service, use the Goods and Services field below the Work categories sections and enter a short work category description (1-3 words is preferable). Note: DBEs should see their NAICS codes and can use the For DBE Credit flag to see what work can be done for DBE Credit.
8. **Certification** – If you are DBE Certified please provide your Certifying Agency and the next renewal date.
9. **Small Business Concern Registration** – The AZ UTRACS Registration process offers dual registration, so if you want to also register as a Small Business Concern, answer the SBC Questions included in this section. DBEs are automatically SBC Registered, but review the information and update any information as needed.

Submitting the Registration Form

Once your registration is submitted, your firm profile is added to the Firm Search Directory and your registration is “Active” and you are eligible to work on Arizona’s federally funded transportation projects. Once your registration is “Active” your firm can submit a Bidder or Proposer list.

Your registration is good for 3 years, but you are encouraged to update the profile once a year to keep it current. Each time you access the system and hit save, the registration expiration date is extended for another 3 years. The firm’s primary and secondary contacts will be notified when the registration is expiring.

Questions or concerns during this process? *Let us help!*

Email us at AZUTRACS-Support@azdot.gov or call (602) 712-7761

Tips for completing a Bidders/Proposers List

The AZ UTRACS Online Bidders/Proposers List is easy to complete and provides a quick and efficient way to ensure the firms you are working with are AZ UTRACS Registered.

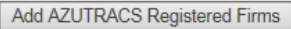



Getting Access to the Online Bidders/Proposers List

To start a list, your firm must have an “active” AZ UTRACS Registration. The primary and secondary contacts listed in your firm’s profile can help you gain the access you need. For more information about gaining access, refer to the “Tips for gaining access to AZ UTRACS” document posted on the Tools/Resources page.

Starting an Online Bidders/Proposers List

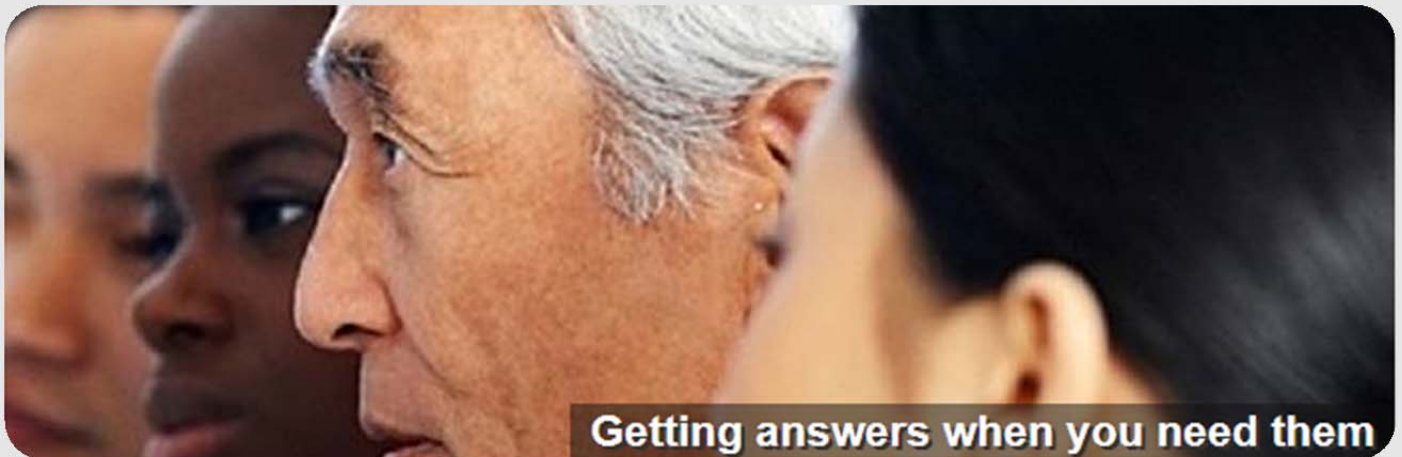
To start an online bidders or proposers list, use the Contract Compliance Menu and select “Bidders/Proposers List” at the top of the menu. If you are not logged into the system yet, log in and click “Start or manage a Bidders/Proposers List”. To begin a list, you must first select your firm to begin.

Create a New List

- 1) Once you have selected your firm, check the “Create New” checkbox and select the project to start a new list.
 - a. The list is long, so put your cursor on the arrow at the right of the pulldown that says “Please select a Project” and start typing the project number and the list should take you to the project you need.
 - b. If the project that you are searching for is not listed and you believe it should be, email AZUTRACS-Support@azdot.gov. (Check the advertisement to make sure you have the correct project number.)
- 2) Once the project is selected, a “Registered Firms” section appears where you can start to build your list for the project. You may begin entering firms by setting your cursor on the arrow of the pulldown that reads, “Please select a firm to add” and begin typing the name of the firm. When the name pops up, select the firm and add them to your list by clicking 
- 3) If a firm is not listed in the dropdown, it means they are not currently AZUTRACS registered, which they should be. You should still include them on your list. Enter the firm name, email address, and phone number and click . The system will automatically email a friendly reminder encouraging the firm to register.
- 4) Once you have added all of the firms who expressed an interest in or submitted a quote, bid, or response for this project, you can review your list and easily delete any unintentionally added firms, by clicking the  button next to the firm’s name.
- 5) As you work on a list, you should remember to click the “Save” button often to save your work. The system will give you a message that says, “The Bidders List has been saved successfully.” You may continue working or leave the application and come back at another time. When you save a list but don’t submit it, it is given a status of “in process”. You can access an “in process” project to continue adding names, by using the pulldown under the “Create New” button. The button says “Open an incomplete list ‘in process’ or review a previously submitted ‘active’ list”. Click on this pulldown and select the project and your list will open and be ready to edit. Continue adding or removing firms as needed.
- 6) When you are done working on your list, click save and review it carefully. If it finished, click “Submit” to finalize the list.
 - a. Once your list is submitted, you will see the following message: “You have successfully created a Bidder’s List. Please look for an email confirmation to be sent.” You should receive the email within a few minutes. Please check your junk mail if you do not receive it within a short time.
 - b. The status of your list is changed to “active” and can be referenced at any future date, using the pull down button located under the Bidders List Header under the “Create New” button. Note: there is a  at the bottom to enable you to resend the email submittal verification list should you need to.
 - c. **IMPORTANT NOTE!** Submitting the list online is usually **NOT** the final step to meet the Bidders List requirement. You will likely have to email the notification to another agency contact. Follow the directions on the bid, RFP, or advertisement or refer to the EPRISE contract language to ensure you are a responsive bidder and meet the final requirements for submitting the online list.
- 7) Once you have submitted your first list, you will have the option when creating future lists, to copy a previously submitted list if it has a similar list of firms you need to add. Copying a list is done AFTER selection the project, by clicking the “Copy” button. A pulldown will appear with a list of your “active” previously submitted projects. Select a project from the “copy” pulldown and click “Copy Bidders List”. Only the names of registered AZ UTRACS firms will be copied over. You can continue to add and remove names as needed.



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