

BECO Professional Services Contract Compliance Checklist LPA/Subrecipient Federal-Aid Contracts

Compliance Requirements		Action	
		LPA/Subrecipient	ADOT
PRE- ADVERTISEMENT REQUIREMENTS			
1	<p>Request for DBE Goal - The Agency must submit a request for a DBE Goal assessment along with the Final Scope of Work to BECO prior federal authorization. The DBE Goal Assessment Email must be included in the Federal authorization package to ADOT.</p> <p>Include TRACS number in the request for DBE Goal.</p>	Agencies must coordinate with Agency PM to complete the Professional Services DBE Goal Setting Worksheet in the DBE Goal Setting System . Submit the Final Scope of obtain the DBE Goal Assessment Email.	BECO will make a determination and provide a response within 10 days.
2	<p>DBE Liaison is designated by prime consultant for the administration of the consultant's DBE program</p>	Agency DBE Liaison collaborates with consultant's DBE Liaison regarding DBE matters	BECO monitors and provides guidance.
3	<p>Good Faith Efforts (GFE) is a continuous process that starts well before a proposal is submitted and continues throughout the life of the project.</p> <p>Proposers shall reference "Good Faith Effort Guide" and DBE Provisions. Consultant should contact the Agency and/or BECO prior to submission of bids to receive assistance locating DBEs.</p> <p>LPA PS EPRISE Section 14.0</p>	Agency documents consultant's request for assistance. Agency will notify BECO when assistance is requested. Reference Federal Regulations, 49, CFR 26, Appendix A	BECO to provide support to the agency and to assist the prime to locate DBEs.
PROPOSAL SOLICITATION PROCESS - SOQ or RFP PACKAGE REQUIREMENTS			
4a.	The DBE Contract Goal obtained from the Goal Response Notice and the TRACS number must be incorporated into the solicitation for Project-Specific Contracts.	Agency must include the DBE Goal percentage in the Request For Qualifications (RFQ) advertisement and TRACS number (if applicable) in federal-aid project solicitations.	Subject to ADOT review
4b.	<p>LPA Professional Services EPRISE:</p> <p>Project Specific Contracts:</p> <ul style="list-style-type: none"> • LPA PS EPRISE WITH GOAL or • LPA PS EPRISE WITHOUT GOAL <p>On-Call* Contracts:</p> <ul style="list-style-type: none"> • LPA PS On-Call EPRISE WITH GOAL • LPA PS On-Call EPRISE WITHOUT GOAL 	For projects with DBE goals, [Race Conscious (RC)], Agency must include LPA PS EPRISE WITH GOAL; or for projects with no goals, Agency must include LPA PS EPRISE WITHOUT GOAL [Race Neutral (RN)] in applicable RFQ and prime contracts.	
4c.	<p>Project Specific DBE Assurance Form 3212PS</p> <p>On-Call* DBE Assurance Form 3204PS</p>	Include one of these forms in all RC solicitations depending on the type of contract.	
4d.	LPA Prompt Pay and Payment Reporting Provisions	Agency must include contract provisions in Bid Package	
4e.	<p>On-Line Bidders/Proposers List - All proposers must complete an on-line bidders list at AZ UTRACS web portal – Online Bidder's List</p>	Agency must include requirement that all proposers shall create a Bidders/Proposers list in the AZ UTRACS	

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EVALUATION OF STATEMENTS OF QUALIFICATIONS SUBMITTAL			
REQUIRED DOCUMENTS SUBMITTED BY PRIME CONSULTANT			
5	<p>Project-Specific DBE Assurance Form 3212PS or On-Call* DBE Assurance Form 3204PS</p> <p>On-Line Bidders/Proposers List - All proposers must complete an on-line bidders/proposers list at AZ UTRACS web portal; Online Bidder's List and submit the corresponding Bidders List email confirmation notice to the agency. LPA PS EPRISE Section 12.02</p>	As a matter of responsiveness, the consultant must submit fully completed forms with the proposal. Agency reviews the form for accuracy and completeness. After agency approval, Agency submits the form to BECO for concurrence prior to awarding contract.	Subject to ADOT review; ADOT conducts oversight of agency monitoring.
DURING COST PROPOSAL NEGOTIATIONS CONSULTANT SELECTION			
6	<p>AZ UTRACS Registration - Prime consultants and all subconsultants including DBEs must be registered in the AZ UTRACS web portal -</p>	Agency to provide assistance to consultants with AZUTRACS registration, as necessary.	Conducts oversight of agency monitoring.
7	<p>a. DBE Intended Participation Affidavit: Subconsultant Form 3205PS and</p> <p>b. DBE Intended Participation Affidavit: Consultant - Form 3206PS</p> <p>Project Specific Contracts:</p> <hr/> <p>All proposers if indicated in the SOQ submittal that it has met or exceeded the DBE goal, must submitted the forms with SOQ for each individual DBE firm at all tiers, as a commitment to meet the DBE goal on the project. LPA PS EPRISE Section 13.01</p> <p>On-Call Contracts*:</p> <p>The successful proposers if indicated in the SOQ submittal that it has met or exceeded the DBE goal, the forms must be submitted with each Task Order for each individual DBE firm at all tiers, as a commitment to meet the DBE goal on each Task Order and eventually to meet the DBE goal on the project.</p> <p>Prime will identify all DBE firms at all tiers intended to be used on the project corresponding to the DBE Intended Participation Affidavit submitted for each DBE firm. LPA PS EPRISE Section 13.0draft</p>	Agency must review, verify, and approve that DBE Intended Participation Affidavit and DBE Intended Participation Summary , ensuring they are timely, accurate, and complete. After approval, the Agency compiles the DBE assurance form, summary affidavit, and participation affidavits into one attachment and emails it within 7 calendar days from approval to BECO at LPAContractorCompliance@azdot.gov .	Conducts oversight of agency monitoring. BECO will review and provide concurrence via Bid Verification Notice within 5 calendar days from receipt.

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7	<p>c. Good Faith Effort Documentation (GFE) (when applicable): Project Specific Contracts: If indicated in the SOQ submittal that DBE goal is not met, the proposers must submit GFE documentation with the SOQ submission to the agency LPA PS EPRISE Section 14.0 On-Call Contracts*: The consultant must submit to the agency Form 3203PS - Certifications of GFE for each Task Order, if the consultant does not meet the goal or partially meets the goal on that Task Order. LPA PS On-Call EPRISE Section 14.0</p>	<p>Agency may not award contract or Task Order to consultant until BECO has concurred with the Agency and has provided a Bid Verification Notice to the Agency Only proposers that demonstrate adequate GFE to meet the contract goal are eligible to be awarded federal contracts or each Task Order. Prime consultant can reference the ADOT GFE GUIDE and CFR 49 Part 26 Appendix A: GFE Guidance</p>	<p>BECO will collaborate and support the Agency in efforts to evaluate submittal to make the determination.</p>
AT TIME OF AWARD – CONTRACT EXECUTION			
8	<p>Executed contract between the prime and the Agency include the following documents related to the DBE program:</p> <ul style="list-style-type: none"> • LPA PS EPRISE Contract Language • Prime’s DBE Assurance (Project Specific or On-Call*) • Prime’s DBE Affidavits (Project Specific Contracts only) • Certification of Final DBE Payments form • Prompt Payment and Payment Reporting 	<p>The Agency shall ensure that at the time the contract is executed, the contract states that the DBE goal will be met or the GFE has been approved and all required documents are included in the contract between the agency and the prime consultant.</p>	<p>Conducts oversight of agency monitoring</p>
9	<p>Prime will start to enter subconsultants’ data in the LPA DBE System after the Agency initiates the contract.</p>	<p>Agency initiates contract in the LPA DBE System and ensures contract data is accurate.</p>	
POST AWARD DBE REQUIREMENTS			
10	<p>LPA DBE Subcontract Compliance Assurances - must be included in all DBE subcontracts (Committed/listed DBEs and all other DBEs added to the project) LPA Prompt Pay and Payment Reporting Provisions must be included in all subcontracts.</p>	<p>Agency will collect the committed DBE subcontracts before or at the preconstruction conference to review for approval. Agency will include the LPA DBE Subcontract Compliance Assurance and the LPA Prompt Pay and Payment Reporting in the SRF process.</p>	<p>Conducts oversight and monitoring</p>
PROMPT PAYMENT & PAYMENT REPORTING PROVISIONS			
11	<p>REPORTABLE CONTRACTS - All Reportable Contract (DBE and Non-DBE) information must be entered into LPA DBE System</p> <ul style="list-style-type: none"> • No later than 15 calendar days after contract is executed • Any additional subcontract information shall be added within 5 days of Agency approval 	<p>Agency monitors the LPA DBE System to ensure subcontracts information is entered in the LPA DBE System.</p>	<p>Conducts oversight of agency monitoring</p>

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12	<p>Payment Reporting Requirements Payments must be reported by prime consultants and subs with lower-tiers in the LPA DBE System:</p> <ul style="list-style-type: none"> • Consultants must enter subconsultant payment information into the system no later than the last day of the month for the prior month's payment activities • If no payment was made, the consultant must enter a zero-dollar value as payment • Consultants must use the Comments section in the LPA DBE System to explain why subconsultant invoices weren't fully paid; or, to identify any other issues concerning prompt payment 	<p>Agency monitors monthly audits in the LPA DBE System for subconsultant payment verification. Agency to closely monitor payment discrepancies between primes and subconsultants and document issues and resolutions</p>	<p>Monitor contracts in the LPA DBE System for accuracy and compliance</p>
13	<p>Subconsultant Payment Verification</p> <ul style="list-style-type: none"> • Subconsultants to verify payment within 15 days of electronic notice of payment reported • Consultant shall actively monitor LPA DBE System for payment confirmations • If subconsultants do not verify payments within 45 days of Prime reporting payment, the agency will accept that prompt payment was made unless a dispute arises 	<p>Agency monitors contracts monthly:</p> <ul style="list-style-type: none"> • Ensures compliance with payment reporting provisions • Communicate with consultants of non-compliance and give them an opportunity to correct the issue 	<p>Conducts oversight of agency monitoring</p>
14	<p>Sanctions for Inadequate Reporting If payments are not reported monthly, sanctions will apply in accordance with Prompt Pay and Payment Reporting Provisions.</p>	<p>Agency must monitor contracts monthly to ensure compliance with payment reporting:</p> <ul style="list-style-type: none"> • If issues are not corrected in a timely manner (within a month), Agency shall consider sanctions, as needed. 	<p>Supports agency recommendations to sanctioning</p>
15	<p>Prompt Payment Requirements</p> <ul style="list-style-type: none"> • Consultants must pay its subconsultants, DBEs and Non-DBEs, within 7 calendar days from receiving agency payment for work performed • Sanctions will apply in accordance with Prompt Pay and Payment Reporting Provisions. 	<p>Agency shall monitor LPA DBE System each month and ensure prime is complying with the prompt payment requirements. When consultants are not paying their subs timely, the Agency must consider sanctions. Agency will acquire from the prime consultant documentation displaying reasonable methods being applied to resolving disputed issues.</p>	<p>Oversight and monitoring</p>

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DBE TERMINATION/SUBSTITUTION			
16	<p>DBE Termination/Substitution General Requirements - The consultant shall make all reasonable efforts to avoid terminating or substituting a DBE listed on the DBE Intended Affidavit Summary</p> <p>The consultant shall advise the Agency within 24 hours from the first sign of any reason for potential DBE termination/substitution.</p> <p>LPA PS EPRISE Section 22.02</p>	Agency is notified within 24 hours of potential committed DBE termination/substitution. Agency notifies BECO immediately after notification from the Consultant.	Oversight and monitoring
17	<p>Consultant Request for DBE Termination/Substitution:</p> <ul style="list-style-type: none"> • Consultant shall give written notice to the DBE of intent to terminate/substitute • Consultant shall identify the reason for the action in written notice to DBE • DBE will have at least 5 calendars days to respond in writing to consultant • Prime shall send copies of all correspondence to the Agency 	<p>All terminations, substitutions and reductions in scope of work by committed DBEs must be approved by the agency, with BECO concurrence. Agency will review formal request for termination and provide determination in writing to prime and DBE after the Agency receives concurrence from BECO.</p> <p>The Agency and BECO to consider:</p> <ul style="list-style-type: none"> • Consultant's request • DBE's response • Additional documentation • Agency staff documentation of the issue • Good cause 	Reviews and provides guidance and concurrence, in writing.
18	<p>Consultant Request for DBE Termination/Substitution</p> <p>Consultant must submit the following, as a formal request to the Agency</p> <ul style="list-style-type: none"> • DBE Termination/Substitution Form 3108PS • DBEs written response • Additional documentation (as necessary) 		
19	<p>DBE Termination/Substitution Good Faith Effort (GFE)</p> <p>If an Agency approves the request, the consultant shall:</p> <ul style="list-style-type: none"> • Provide documentation of GFE to find a replacement DBE within 7 days from submitting request to terminate/substitute to the Agency • Required even when the agency eliminates a work item • If DBEs are identified, the consultant must submit DBE Affidavits for the replacement DBE to the agency for approval 	<p>Agency reviews and evaluates GFE, makes determinations and notifies BECO for concurrence.</p> <p>Agency must approve DBE Affidavits, with BECO concurrence, before the new DBE starts work</p>	Reviews and provides guidance and concurrence, in writing.
20	<p>DBE Termination/Substitution Sanctions LPA EPRISE 22.06</p> <p>Liquidated Damages for DBE termination/substitution non-compliance:</p> <ul style="list-style-type: none"> • The dollar amount of the wrongfully substituted/replaced DBE subcontract plus 25 % 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 	Agency will consider sanctions when the consultant fails to request approval for substitution or termination of a DBE listed on Affidavits.	Provides guidance as necessary along with oversight and monitoring.

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21	<p>Commercially Useful Function (CUF) Consultant must ensure DBEs on the project are performing CUF in accordance with LPA PS EPRISE Section 17.06 (Project Specific) or LPA PS EPRISE ONCALL Section 17.05 draft</p> <p>**a formal process is under development – notification will be sent out when process is complete.</p>	<ul style="list-style-type: none"> The Agency will determine if a DBE firm is performing a CUF and certify CUF as performed. Project site visits will be conducted to confirm all DBEs on the project are performing CUF The agency will notify the consultant, in writing, if it determines that the consultant’s DBE subconsultant is not performing a CUF The consultant will be notified within seven calendar days of the agency’s decision For CUF purposes, the Agency must collect and review cancelled checks CUF decisions may be appealed by consultant or DBE to ADOT BECO CUF Checklist form under dev. 	Subject to monitoring the CUF review process
CONTRACT COMPLETION - CLOSEOUT			
22	<p>Certification of Final DBE Payments (COP)</p> <ul style="list-style-type: none"> Consultant must submit Form 3210PS to Agency for all DBEs no later than 30 days after the DBE completes work and received final payment Consultant is not released from the obligations of the contract 	<p>Agency reviews and approves certification of Final DBE Payments Forms</p> <p>Send a copy of Agency’s Final Acceptance Letter to BECO email lpacontractorcompliance@azdot.gov.</p>	Monitor and review for compliance
23	<p>Meeting DBE Goal</p> <ul style="list-style-type: none"> Meeting DBE goal at the end of a project keeps consultant in compliance Sanctions will be applied if DBE goal is not met at the end of project and GFE not demonstrated in accordance with LPA PS EPRISE Section 22.06 (same for all PS contracts) Consultant can appeal the decision to the ADOT State Engineer 	<ul style="list-style-type: none"> The Agency will take consultant GFE and all circumstances in consideration in determining if DBE goal was met The Agency will make the decision in relation to consultant meeting the goal with concurrence from BECO Agency may impose sanctions in accordance with LPA PS EPRISE Section 22.06 	Review for concurrence.
24	<p>Contract Closeout in LPA DBE System</p>	<p>Close contract in the LPA DBE System within 30 days of Final Contract Closeout - System Contracts Closeout Instruction</p>	Monitor and review for compliance