

**BECO Professional Services Compliance Checklist
COG/MPO Federal-aid Contracts - FHWA**

Compliance Requirements		Action	
		LPA/Subrecipient	ADOT
PRE- ADVERTISEMENT REQUIREMENTS			
1.	Request for DBE Goal - The COG/MPO must submit a request for a DBE Goal assessment along with the Final Scope of Work to BECO prior to federal authorization. The DBE Goal Assessment Email must be included in the Federal authorization package to ADOT. Include Project number in the request for DBE Goal.	COG/MPOs must coordinate with COG/MPO appropriate staff to complete the Professional Services DBE Goal Setting Worksheet in the DBE Goal Setting System and submit the Final Scope of Work to obtain the DBE Goal Assessment Email.	BECO will make a determination and provide a response within 10 days.
2.	DBE Liaison is designated by prime consultant for the administration of the consultant’s DBE program	COG/MPO DBE Liaison collaborates with consultant’s DBE Liaison regarding DBE matters	BECO monitors and provides guidance.
3.	Good Faith Efforts (GFE) is a continuous process that starts well before a proposal is submitted and continues throughout the life of the project. Proposers shall reference “Good Faith Effort Guide” and DBE Provisions.	COG/MPO documents consultant’s request for assistance. COG/MPO will notify BECO at DBESupportiveServices@azdot.gov when assistance is requested Reference Federal Regulations, 49, CFR 26, Appendix A	BECO to provide support to the COG/MPO and to assist the prime to locate DBEs.
PROPOSAL SOLICITATION PROCESS - STATEMENT OF QUALIFICATIONS (SOQ) or REQUEST FOR PROPOSALS (RFP) PACKAGE REQUIREMENTS			
4a	The DBE Contract Goal obtained from the Goal Response Notice and the Project number must be incorporated into the federal-aid project solicitations.	COG/MPO must include the DBE Goal percentage and Project number in the Request For Proposals (RFP) advertisement in federal-aid solicitations.	Subject to ADOT review
4b	LPA Professional Services EPRISE Project Specific Contracts: <ul style="list-style-type: none"> • LPA PS EPRISE WITH GOAL or • LPA PS EPRISE WITHOUT GOAL On-Call* Contracts: <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)], COG/MPO must include LPA PS EPRISE WITH GOAL; or for projects with no goals [Race Neutral (RN)] COG/MPO must include LPA PS EPRISE WITHOUT GOAL in applicable RFP.	
4c.	Project Specific DBE Assurance Form 3212PS On-Call* DBE Assurance Form 3204PS	Include one of these forms in all RC solicitations depending on the type of contract (ps or on-call).	
4d	LPA Prompt Pay and Payment Reporting Provisions	COG/MPO must include contract provisions in solicitation package	
4e	AZ UTRACS Registration - Prime consultants and all subconsultants including DBEs must be registered in the AZ UTRACS web portal	COG/MPO work with BECO to provide assistance to consultants with AZUTRACS registration.	

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REQUIRED DOCUMENTS SUBMITTED BY PRIME CONSULTANT			
SUBMITTALS WITH SOQ/RFP			
5.	For contracts with DBE Goal only <ul style="list-style-type: none"> • Project-Specific DBE Assurance Form 3212PS or • On-Call* DBE Assurance Form 3204PS 	As a matter of responsiveness, the consultant must submit a fully completed form with the proposal. COG/MPO reviews the form for accuracy. COG/MPO submits the form to BECO for approval prior to awarding contract.	Subject to ADOT review; ADOT conducts oversight of COG/MPO monitoring.
6.	On-Line Bidders/Proposers List - All proposers must complete an on-line bidders/proposers list at AZ UTRACS web portal ; and submit the corresponding Bidders List email confirmation notice to the COG/MPO. LPA PS EPRISE Section 12.02	The COG/MPO must collect the Bidders/Proposers List email confirmation notices from all proposers.	Conducts oversight of COG/MPO monitoring.
DURING COST PROPOSAL NEGOTIATIONS CONSULTANT SELECTION			
7.	DBE Intended Participation Affidavit: Subconsultant Form 3205PS and DBE Intended Participation Affidavit: Consultant - Form 3206PS Good Faith Effort Documentation (GFE) – Project Specific or 3203PS - Certifications of GFE – Task Orders Project Specific Contracts: The successful proposer must submit the DBE Affidavits forms or GFE documentation with cost proposal LPA PS EPRISE Section 13.0 Consultant should contact the COG/MPO and BECO prior to submission of Cost Proposal to receive assistance locating DBEs. LPA PS EPRISE Section 14.0	COG/MPO must review; verify the correctness of DBE Intended Participation Affidavit and DBE Intended Participation Summary, ensuring they are received timely, accurate, and complete. After complete review, the COG/MPO compiles the DBE assurance form, summary affidavit, and participation affidavits into one attachment and emails to BECO at LPAcontractorcompliance@azdot.gov . COG/MPO may not award contract or Task Order to consultant until BECO has approved and provided Bid Verification Notice to the COG/MPO.	Conducts oversight of COG/MPO monitoring. BECO will review affidavits and provide Bid Verification Notice within 5 calendar days from receipt. BECO will evaluate submittal to make the determination.
	On-Call Contracts*: For each Task Order , the successful proposer must submit DBE Affidavits forms or Form 3203PS - Certifications of GFE as a commitment to meet the DBE goal on each Task Order and eventually to meet the DBE goal on the project. LPA PS On-Call EPRISE Section 14.0	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	

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AT TIME OF AWARD – CONTRACT EXECUTION			
8.	Executed contract between the prime and the COG/MPO include the following documents related to the DBE program: <ul style="list-style-type: none"> • LPA PS EPRISE Contract Language • Prompt Payment and Payment Reporting 	The COG/MPO shall ensure that at the time the contract is executed and all required documents are included in the contract between the COG/MPO and the prime consultant.	Conducts oversight of COG/MPO monitoring
9.	Prime will start to enter subconsultants’ data in the LPA DBE System after the COG/MPO initiates the contract.	COG/MPO initiates contract in the LPA DBE System and ensures contract data is accurate.	
POST AWARD DBE REQUIREMENTS			
10	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.	COG/MPO will collect the committed DBE subcontracts before or at the kick-off conference to review for approval. COG/MPO will ensure that the LPA DBE Subcontract Compliance Assurance and the LPA Prompt Pay and Payment Reporting is the included all subcontract.	Conducts oversight and monitoring
PROMPT PAYMENT & PAYMENT REPORTING PROVISIONS			
11	REPORTABLE CONTRACTS - All Reportable Contract (DBE and Non-DBE) information must be entered into LPA DBE System <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 COG/MPO approval 	COG/MPO monitors the LPA DBE System to ensure subcontracts information is entered in the LPA DBE System.	Conducts oversight of COG/MPO monitoring

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12	<p>Payment Reporting Requirements Payments must be reported by consultants 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>COG/MPO monitors monthly audits in the LPA DBE System for payment verification to subconsultant .</p> <p>COG/MPO to closely monitor payment discrepancies between prime consultant and subconsultants along with documenting payment 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 COG/MPO will accept that prompt payment was made unless a dispute arises 	<p>COG/MPO 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 COG/MPO 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>COG/MPO 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), COG/MPO shall consider sanctions. • COG/MPO must contact BECO for approval prior to actions /notice of sanction. 	<p>Supports COG/MPO recommendations to sanctioning, reviews documentations for determination.</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 COG/MPO payment for work performed • Sanctions will apply in accordance with Prompt Pay and Payment Reporting Provisions. 	<p>COG/MPO shall monitor LPA DBE System monthly and ensure consultant is complying with prompt payment requirements:</p> <ul style="list-style-type: none"> • If consultant is not paying timely, consultant shall provide documentation and methods used to resolve disputed issues. • COG/MPO shall notify BECO for approval. 	<p>Supports COG/MPO recommendations to sanctioning, reviews documentations for determination.</p>

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DBE TERMINATION/SUBSTITUTION			
16	<p>Consultant Request for DBE Termination/Substitution Consultant must submit the following, as a formal request to the COG/MPO</p> <ul style="list-style-type: none"> • DBE Termination/Substitution Form 3108PS • DBEs written response • Additional documentation (as necessary) <ul style="list-style-type: none"> ➤ <i>Consultant shall give written notice to the DBE of intent to terminate/substitute</i> ➤ <i>Consultant shall identify the reason for the action in written notice to DBE</i> ➤ <i>DBE will have at least 5 calendars days to respond in writing to consultant</i> ➤ <i>Consultant shall send copies of all correspondence to the COG/MPO</i> 	<p>All terminations, substitutions and reductions in scope of work by committed DBEs must be approved by BECO. BECO will consider:</p> <ul style="list-style-type: none"> • Consultant’s request • DBE’s response • Additional documentation • COG/MPO staff documentation of the issue • Good cause 	<p>Reviews and provides determination in writing.</p>
17	<p>DBE Termination/Substitution Good Faith Effort (GFE) If BECO 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 COG/MPO • Required even when the COG/MPO eliminates a work item • If DBEs are identified, the consultant must submit DBE Affidavits for the replacement DBE to the COG/MPO for approval 	<p>COG/MPO obtains GFE documentation and forwards to BECO, Provides additional information to BECO for thorough review and determination.</p> <p>COG/MPO must obtain replacement DBE Affidavits, forwards to BECO for approval, before the new DBE starts work.</p>	<p>Reviews and provides approval, in writing.</p>
18	<p>DBE Termination/Substitution Sanctions LPA EPRISE 22.06 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 due to the DBE • This in addition to all other retention or liquidated damages provided for elsewhere in the contract 	<p>COG/MPO will consider sanctions when the consultant fails to request approval for substitution or termination of a DBE listed on Affidavits. COG/MPO must have BECO approval.</p>	<p>Provides guidance as necessary along with oversight and monitoring.</p>

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19	<p>**A formal process is under development – a formal notification will be sent to COGs/MPOs when process is finalized</p> <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 – a formal notification will be sent to COGs/MPOs when process is finalized</p> <ul style="list-style-type: none"> The COG/MPO will work with BECO to determine if a DBE firm is performing a CUF and certify CUF as performed. Project site visits may be conducted to confirm all DBEs on the project are performing CUF 	Subject to monitoring the CUF review process
CONTRACT COMPLETION - CLOSEOUT			
20	<p>Certification of Final DBE Payments (COP)</p> <ul style="list-style-type: none"> Consultant must submit Form 3210PS to COG/MPO 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>COG/MPO reviews and approves certification of Final DBE Payments Forms. Send a copy of COG/MPO’s Final Acceptance Letter to BECO email LPAcontractorcompliance@azdot.gov.</p>	Monitor and review for compliance
21	<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 COG/MPO will provide to BECO consultant GFE and all circumstances for consideration in determining if DBE goal was met BECO will make determination in relation to consultant meeting the goal. COG/MPO may impose sanctions, must contact BECO prior to any action or notice taken. 	Review and sends approval in writing.
22	<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