



**ADOT**

# Project Delivery Academy

Disadvantaged Business  
Enterprise (DBE)

&

On-the-Job Training (OJT)  
Program Compliance

September 15, 2021

# **Gabe Demarbiex**

Contract Compliance and Training Officer  
ADOT -BECO

# **Crispina Mata**

DBE Compliance Program Manager  
ADOT - BECO

# Business Engagement & Compliance Office (BECO) Employee & Business Development (EBD)

BECO develops, implements and monitors  
the DBE and OJT Program at ADOT and its  
Subrecipients

ROLE:

Pre advertisement all the way to closeout  
(entire project life cycle)

# Overview

- DBE Program Regulatory Authority
- DBE Program Overview & Compliance Requirements
  - OJT Program Regulatory Authority
- OJT Program Overview & Compliance Requirements
  - BECO Connects
  - Reporting DBE Fraud
  - Resources and Questions

# DBE Program Regulatory Authority



Civil Rights Act  
of 1964



Disadvantaged Business  
Program Regulations



# DBE Program Overview

A condition to receive federal funds under 49 CFR Part 26:

- ADOT DBE Program Plan
- ADOT DBE Policy SUP-3.05 DBE
- ADOT DBE Specifications





# ADOT DBE Program

## Main Objectives:

- Ensure non-discrimination in the award and administration of federally funded contracts
- Create a level playing field on which DBEs can compete fairly for federally funded contracts



# ADOT DBE Program

Applicable to all ADOT and Subrecipient  
Federal Funded Projects

1. DBE requirements implemented and DBE utilization tracked by:
  - ECS
  - Procurement
  - MPD
  - Field Offices
  - BECO
  - Subrecipients
2. BECO reports DBE utilization to FHWA, FTA and FAA semi-annually

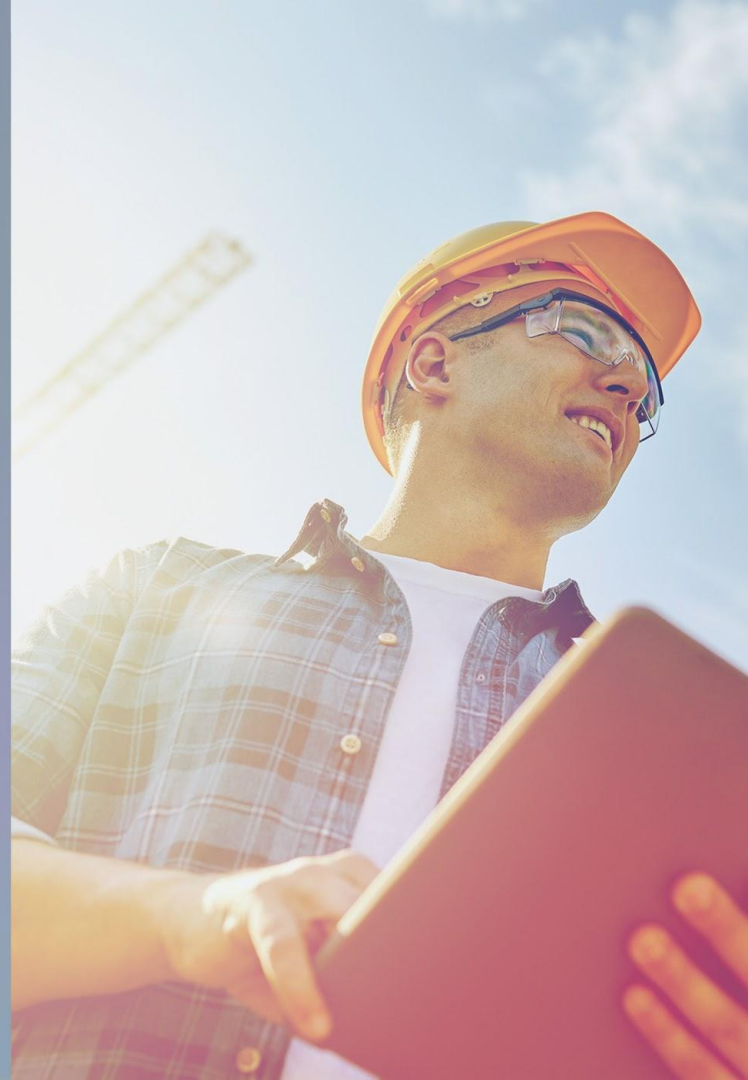


# ADOT DBE Program

FHWA: 12.89%

FTA: 11.00%

FAA: 8.05%



# ADOT DBE Program

Lack of Implementation of the  
DBE Program in Good Faith

=

Ultimate consequence:  
Loss of Federal Funding



# ADOT DBE Program

- Complete [GEN1400W DBE Program Overview](#) – CBT
- Understand the DBE Specifications
- Monitor and enforce the DBE requirements

# DBE Compliance Requirements

- DBE & OJT Goal Assessment
- AZUTRACS Registration
- DBE Affidavits/GFE and Bidders List
- ADOT DBE & OJT Online Reporting System (DOORS)
- Payment Reporting and Prompt Payment
- DBE Termination/Substitution/Reduction
- Commercially Useful Function (CUF)
- Certification of Final DBE (COP) Payments
- Meeting DBE & OJT goal on the contract



# DBE & OJT

## DBE Goal Assessment

- Mandatory for all FHWA projects (OJT for construction only)
- ADOT DBE & OJT Contract Goal Setting Application
  - [dbegoals.dot.state.az/](https://dbegoals.dot.state.az/)
- Resources
  - [BECO Goal Setting Website](#)
  - [User Manual for ADOT](#)
  - [DBEContractGoals@azdot.gov](mailto:DBEContractGoals@azdot.gov)





## AZ UTRACS Registration

### [Start AZ UTRACS Registration](#)

AZ UTRACS Registration is a business registration required for all firms who wish to work on federally funded transportation projects in Arizona, including Prime Contractors and Prime Consultants, Subcontractors, Subconsultants, Disadvantaged Business Enterprises (DBEs), and Small Business Concerns (SBCs).

This registration satisfies a federal requirement ([49 CFR Part 26.11\(c\)](#)) that instructs ADOT to maintain a bidder's list to help the agency calculate its overall triennial DBE for FHWA, FTA and FAA funded contracts, as well as calculate individual contract goals for FHWA funded contracts.

A benefit associated with completing this registration is that your firm is added to the AZ UTRACS Transportation Business Directory and a comprehensive firm profile is created, at no cost to your firm. This is used to advertise your firm's capabilities to the business community. This allows firms to find one another and partner to complete Arizona Transportation projects. The firm directory, where firm profiles are accessed, also helps firms find DBEs and SBCs needed to meet specific contract requirements.

# AZ UTRACS Registration

Primes and subs, including DBEs, must be registered in the Arizona Unified Transportation Registration and Certification System ([AZ UTRACS](#)) web portal

# DBE & OJT Online Reporting System DOORS Contract Management

All federal contracts are managed for DBE & OJT compliance

- Report payments (primes, primes to all subs)
  - Monitor for prompt payment compliance
  - Track utilization



## Goal Information

TRAINEE PROGRESS

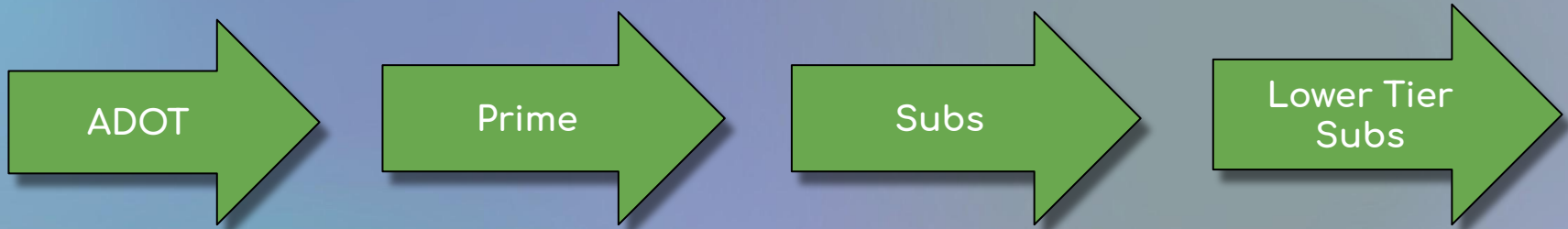
20

27 Enrolled

TRAINING HOURS PROGRESS

11688 Hours Reported

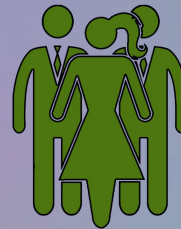
# Prompt Payment



Payment Detail(s)



Pay on Time



Protect  
Jobs



Promote  
Growth



Prevent  
Insolvencies



# Prompt Payment Monitoring

## Request For Information (RFI)



ARIZONA DEPARTMENT OF TRANSPORTATION  
SUBCONTRACTOR/LOWER TIER  
PROMPT PAYMENT REQUEST FOR INFORMATION

Clear Form

Section A ~ Fill-in all fields		
Project Information		
Date:	TRACS/Project#:	Estimate Month:
Prime Contractor	Subcontractor	Lower Tier Subcontractor
Contact Name & Title	Contact Name & Title	Contact Name & Title
Phone	Phone	Phone
Email	Email	Email

Remedies can be considered  
for non-compliance



# Payment Reporting

Prime reports payments (including \$0) in the ADOT DOORS for all subs, by 15th of every month

Subs must confirm payments no later than 45 days

# Payment Reporting Monitoring

ADOT groups monitor for compliance in DOORS







Prime Contractor - September 2020

Prime Contractor	Cert	Inc. in Goal for Period	This Period	Prime's Share This Period	Total to September 2020	Prime's Share Total to September 2020	Contracted Percent	Actual Percent
<a href="#">COFFMAN AMES JOINT VENTURE</a> [Info] Colleen Coffman F 858-536-3131 colleen@coffmanspecialties.com	No	No	\$5,865,509.47 (Edit)	\$4,541,203.06	\$128,685,105.82	\$84,746,463.53	49.973%	65.856%

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

Subcontractors - September 2020

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Subcontractor	Cert	Type	Inc. in Goal for Period	This Period	Confirmed By Sub	Total Retained Payments to September 2020	Contracted Percent	Actual Percent
 <b>3D Painting and Sandblasting Inc</b> [Info] ryan.dougherty ryan@3dpaintinc.com P 623-696-3205; F 623-696-3205	No	Sub	No	\$0.00 <a href="#">View Edit</a>	Confirmed <a href="#">View Edit</a>	\$175,317.75	0.181%	0.136%
 <b>A CORE CONCRETE CUTTING INC</b> [Info] Marisela Lopez marisela@a-core.com P 801-261-5552 Ext. 104	No	Sub	No	\$2,112.30 <a href="#">View Edit</a> Prompt: Yes	Confirmed <a href="#">View Edit</a> Prompt: Yes	\$602,393.21	0.264%	0.468%
 <b>A-PAC PRESSURE GROUTING INC.</b> [Info] PATRICIA AINSWORTH APACAZ@YAHOO.COM P 480-962-0005; F 480-962-9939	No	Sub	No	\$0.00 <a href="#">View Edit</a>	Confirmed <a href="#">View Edit</a>	\$0.00	0.033%	0.000%
 <b>Almone-Martin Associates, LLC</b> [Info] Catherine Almone-Martin cathy@almonemartin.com P 505-980-9949; F 555-555-5555		Sub 100%	 DBE	Not included in audit Final payment made <a href="#">Add to audit</a>		\$3,835.00	0.002%	0.003%

Remedies available for non-compliance

Remedies available for non-compliance

# Termination/Substitution/Reduction of Work (TSR)

- Applies to all DBEs listed on DBE Affidavit
- Prime must contact PM/RE/BECO within 24 hours
- Prime must notify the DBE
- TSR Request Form must be submitted to ADOT
- Good Faith Effort (GFE), if applicable

*BECO approves all DBE Termination/Substitution/  
Reduction of work requests*

*Remedies available for non-compliance*



# Commercially Useful Function (CUF)

- DBE credit applied only when it is determined that the DBE is performing a CUF
- Only work performed by the DBE counts toward DBE participation
- Work subcontracted to non-DBE firms does not count towards DBE participation (except trucking services)



Perform



Manage



Supervise

# Commercially Useful Function (CUF)

- BECO conducts all CUF reviews
  - Construction
  - Planning
  - Engineering/Design
- CUF Determinations recorded in DOORS

Name: CUF Determination Report - CONTRACTOR Description: To document DBE contractors' compliance with CUF requirements to DBE participation. Attach field review document(s) to the bottom of this form. Category: Contract Date Range: 10/1/2020 - 2/23/2021 Date Run: 2/23/2021							
Contract Number	Contract Description	Vendor Name	User Created	Date Created	Date Submitted	Review Status	Certification User
F009301C	MP 46 - SW OF DATELAND	Fisher Sand & Gravel Co.	Jolene De La Ossa	1/28/2021	1/28/2021	Incomplete	Jolene De La Ossa
F009301C	MP 46 - SW OF DATELAND	Fisher Sand & Gravel Co.	Jolene De La Ossa	1/26/2021	1/28/2021	Complete	Jolene De La Ossa
F011301C	SR 587 - SR 387	Fann Contracting Inc.	Sharon Bova	1/6/2021	1/25/2021	Complete	Sharon Bova
F077307C	SR 281 - SR 381	Fann Contracting Inc.	Sharon Bova	1/6/2021	1/25/2021	Complete	Sharon Bova
F009301C	MP 46 - SW OF DATELAND	Fisher Sand & Gravel Co.	Jolene De La Ossa	1/28/2021	1/28/2021	Incomplete	Jolene De La Ossa

Remedies available for non-compliance

# CERTIFICATION OF FINAL DISADVANTAGED BUSINESS ENTERPRISE (DBE) PAYMENTS

## Construction Contracts

(Submit one form for each DBE involved in the contract)

The undersigned contractor on Agency Project No: \_\_\_\_\_ ADOT 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 Vendor 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 STATEMENT 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/manufacturer for the above named project hereby certified that payments were received and/or justification by contractor is correct.

I DECLARE UNDER PENALTY OF PERJURY IN THE SECOND DEGREE, AND ANY OTHER APPLICABLE STATE OR FEDERAL LAWS THAT THE STATEMENT 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: \_\_\_\_\_

# Certification of Final DBE Payment (COP)

- Certifies the amount paid to DBE counts towards DBE participation
- Received from prime no later than 30 days after the DBE completes work
- Required for contract closeout

# Certification of DBE Final Payment (COP)

A completed and signed COP for each DBE on the project must be submitted by the contractor no later than **30 days** after final payment to DBE

**ADOT**  
CERTIFICATION OF FINAL DISADVANTAGED BUSINESS ENTERPRISE (DBE) PAYMENTS  
Construction Contracts  
(Submit one form for each DBE involved in the contract)

The undersigned Contractor on TRACS No. SZ123401C 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 # 12345  
Name of DBE Firm DBE Firm was paid the amount of \$2,500.00

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.

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Contractor Company Name: Contractor ABC  
Check One: ☐ Prime Contractor ☒ Subcontractor  
Name: John Smith Title: Title  
Signature: \_\_\_\_\_  
Date: 11/11/2011

\*\*\*\*\*  
The undersigned subcontractor/supplier/manufacturer for the above named project hereby certifies 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: DBE Abcdefg  
Check One: ☒ Subcontractor/Supplier/Manufacturer ☐ Lower-tier Subcontractor/Supplier/Manufacturer  
Name: John Smith Title: Title  
Signature: John Smith  
Date: 11/11/2011



Final to DBE



# Certification of DBE Final Payment (COP)

The \$ amount on the COP must match the final \$ amount in the DBE system

**ADOT**  
CERTIFICATION OF FINAL DISADVANTAGED BUSINESS ENTERPRISE (DBE) PAYMENTS  
Construction Contracts  
(Submit one form for each DBE involved in the contract)

The undersigned Contractor on TRACS No. SZ123401C 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 # 12345  
Name of DBE Firm DBE Firm was paid the amount of \$2,500.00

This certificate is made under Federal and State Laws concerning false statement. Supporting documentation is required. This 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.

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Contractor Company Name: Contractor ABC  
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DBE Firm Name: DBE ABCdefg  
Check One: ☒ Subcontractor/Supplier/Manufacturer ☐ Lower-tier Subcontractor/Supplier/Manufacturer  
Name: John Smith Title: Title  
Signature: John Smith  
Date: 11/11/2011

UTRACS  
U.S. Trade Remedy System

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Compliance Audit Summary - November 2018 and Totals to November 2018

	November 2018		Percent	Totals to November 2018	
	Payments			Payments	
Contract Award Value & Goal					\$26,976
Paid to Prime	\$13,707.85				\$24,278
For Credit Payments - Prime + Subs	\$13,707.85	0.000%			\$24,278
For Credit Payments - Prime	\$13,707.85	0.000%			\$24,278
For Credit Payments - Subs	\$0.00	0.000%			\$0
For Credit to DBE Goal	\$13,707.85	100.000%			\$24,278

Mark Unconfirmed Sub Entries as Confirmed

\$2,500.00

Extend Reporting Deadline By Two Weeks From Today

Prime Contractor - November 2018

Prime Contractor	Cert	Inc. in Goal for Period	This Period	Prime's Share This Period	Total to Nov 2018	Prime's Share Total to Nov 2018	Contract Percent
<a href="#">[Redacted]</a>	DB (C)	DBE	\$13,707.85	\$13,707.85	\$24,278.34	\$24,278.34	

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

Subcontractors - November 2018

Subcontractor	Cert	Type	Inc. in Goal for Period	This Period	Confirmed By Sub	Total Payments to June 2017
1 <a href="#">[Redacted]</a>	DB	Sub	No	Not included in audit <a href="#">Add to audit</a>		\$0.00
1 DBE ABCDEF [info] <a href="#">John Smith</a> <a href="#">j.smith@abcdefg.com</a> P 602-123-4567		Sub	100%	DBE	Not included in audit <a href="#">Add to audit</a>	\$2,500.00

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

# Meeting the DBE Goal

- GFE is considered when determining if DBE goal was met
- BECO will confer with PM/RE if recommendation for sanctions are applicable

*Remedies available for non-compliance*



# Meeting the DBE Goal

Only payments made to DBE(s) count towards the DBE goal



# OJT Program Regulatory Authority



U.S. Department  
of Transportation  
**Federal Highway  
Administration**



[23 CFR Part 230](#)

**OJT  
PROGRAM  
PLAN**



# OJT Program Overview

A condition to receive FHWA funding under 23 CFR Part 230:

- OJT Program Plan
- OJT Specifications with Goal
- OJT Specifications without Goal



A hand holding a camera lens, with a construction site visible through the lens.

# ADOT OJT Program

## Main Objectives:

- To offer equal opportunity for the training and upgrading of minorities, women, and disadvantaged persons toward journeyman status in the highway construction trades
- To improve the skills of the available workforce for Arizona's Federally-funded highway construction projects

# ADOT OJT Program

- Applicable to all ADOT FHWA funded construction projects
- All FHWA projects must be assessed for an OJT goal
- ADOT Annual OJT Goal:

2020 - 37,000 OJT Hours and 64 Trainees



# OJT Compliance Requirements

- BECO and Field Office monitor OJT compliance at the project level
- Electronic Compliance Submittals in ADOT DOORS OJT Module
- Field Office reimburses eligible OJT hours (\$3/Hour)
- BECO reports OJT participation to FHWA annually





# False, Fraudulent or Dishonest Conduct

Any appearance of fraud or dishonest conduct in working with DBEs must be reported

Contact the OIG Hotline

Call: 1-800-424-9071

*(can be anonymous or confidential)*

Email: [hotline@oig.dot.gov](mailto:hotline@oig.dot.gov)



# Compliance Requirements



[DBE and Payment Compliance Overview Video](#)

# BECO Connects

Resource for internal & external customers

**BECO  
CONNECTS**

- ☐ Learn more about the DBE Program
- ☐ Learn more about DBE Supportive Services outreach
- ☐ Need assistance with meeting the DBE goal on a project
- ☐ Interested in becoming a DBE (Certification Process)
- ☐ Learn more about NAICS Codes

- ☐ Learn more about NAICS Codes
- ☐ Interested in becoming a DBE (Certification Process)
- ☐ Need assistance with meeting the DBE goal on a project

# Resources

## References:

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

## Videos:

- [Federal Aid Essentials Video Library](#)
- [USDOT Disadvantaged Business Enterprise Program](#)
- [DBE Affidavit Training](#)
- [DBE and Payment Compliance Overview](#)



# Contact Information

Gabe Demarbiex

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Contract Compliance and Training Officer

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Alternative Delivery Projects Manager

Crispina Mata

[cmata@azdot.gov](mailto:cmata@azdot.gov)

DBE Compliance Program Manager

Melanie Peterson

[mpeterson@azdot.gov](mailto:mpeterson@azdot.gov)

LPA/Subrecipient Program Manager

BECO Compliance Mailbox

[contractorcompliance@azdot.gov](mailto:contractorcompliance@azdot.gov)

