

**DISADVANTAGED BUSINESS ENTERPRISE (DBE)
SUBSTITUTION or TERMINATION REQUEST
PROFESSIONAL SERVICES CONTRACTS**

Contract No.: _____ Task Assignment: _____ Task Assignment Change 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)

All signatures must be obtained before request is submitted.

_____	_____
Original DBE Sub Signature	Date:
_____	_____
Prime Signature	Date:
_____	_____
ADOT RE/PM Signature BECO	Date:

FOR BECO USE ONLY

Request is: Approved Not Approved

BECO Representative: _____

Signature: _____

Date: _____

INSTRUCTIONS

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 the Procurement Officer complete the following:

- Submit a written notice to the DBE and a copy to Procurement Officer
- Allow the DBE a minimum of five days to respond
- Include the DBE response with this form
- GFE and supporting documentation
- Revised 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 the Procurement Officer and 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 Procurement Officer for approval with the substitute DBE's name, description of work, NAICS code, AZ UTRACS registration number, and dollar value of work to the Project Manager and BECO. Approval from BECO must be obtained prior to the substituted DBE beginning work.

BECO approval does not constitute an approval of the proposed change to the contract. The Contractor is responsible for following the terms and conditions of the contract for making and obtaining approval to any key personnel changes originally part of the contract. Approval for the replacement of DBEs must be obtained from Procurement Officer and BECO prior to the substituted DBE beginning work.