



**ADOT**

# Project Delivery Academy

DBE Requirements for  
COGs & MPOs

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Presenting:

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ADOT - BECO

and introducing:

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ADOT - BECO



# Business Engagement & Compliance Office (BECO)

BECO develops, implements and monitors the DBE Program at ADOT and provides oversight & monitoring of subrecipient projects from pre-advertisement all the way to closeout (entire project life cycle)

# DBE Program Regulatory Authority



Civil Rights Act  
of 1964



Disadvantaged Business  
Program Regulations



# Agenda

- ADOT Acronyms
- DBE Compliance Requirements for COGs & MPOs
  - Resources
  - Questions



# ADOT Acronyms

AZ UTRACS: Arizona Unified Transportation Registration & Certification System

DOORS: DBE & OJT Online Reporting System (B2G)

LPA DBE System: DOORS for LPAs (B2G)

RC: Race-Conscious

RN: Race-Neutral



# Pre-Advertisement Requirements

- DBE Liaison
- Request for DBE Goal Assessment
- Good Faith Efforts

# DBE Liaison

- COG/MPO designates DBE Liaison
- Prime consultant designates DBE Liaison
- Both work together to implement the DBE Requirements on the Project





A close-up photograph of a soccer ball with black and white panels hitting a white goal net. The ball is partially obscured by the net, and the background is a clear blue sky.

# Request for DBE Goal

COG/MPO staff must:

- Have access to DBE Goal Setting Application
- Find the project in AZ UTRACS; WP projects are already submitted
- Use the AZUTRACS “project number” (aka TRACS#) to request a DBE Goal assessment
- Complete the DBE Goal Setting Worksheet in the DBE Goal Setting Application, ensuring the work categories selected match the work to be performed in the contract

# Request for DBE Goal

*(continued)*

## A DBE Goal Assessment

- Is only required if any FHWA dollars are attached to the project
- Is only required for Project-Specific contracts and On-Call contracts

*NOTE: Task Orders carry the assessed DBE goal of the On-Call Project*



# Project-Specific vs. On-Call Contracts

## DBE Goal Assessment

### Project-Specific Projects:

- A DBE Goal will be assessed (only projects with ANY FHWA funds attached)
- The DBE Goal requirements must be included in the solicitation
- Contractor/Consultant submits Affidavits or GFE once for this project

### On-Call Projects:

- A DBE Goal will be assessed on the original On-Call solicitation
- Each task order must include that DBE Goal information when it is distributed to on-call contract holders
- Contractor/Consultant submits Affidavits or GFE for each task order under the On-Call

# Proposal Solicitation Process

## Statement Of Qualifications (SOQ) or Request For Proposals (RFP) Package Requirements

COG/MPO must include the following in the Request For Proposals (RFP) advertisement in federal-aid solicitations:

- Project Number (TRACS#)
- DBE Goal Percentage obtained from BECOs DBE Goal Response Notice
  - Work Program Agreement, Section 12.0 “DBE”, Items 24.a through 24.g
- Prompt Pay Provisions in WPA Procurement Section



# Proposal Solicitation Process

## Statement Of Qualifications (SOQ) or Request For Proposals (RFP) Package Requirements

*(continued)*

- On-Call DBE Assurance Form 3204PS (for RC only)
- Prompt Pay Provisions WPA Procurement Section

### NOTE:

Prime consultants and all subconsultants including DBEs  
must be registered in the AZ uTRACS web portal



# Submittals with SOQ/RFP

- Online Bidders/Proposers List
- Project-Specific: Completed DBE Goal Assurance Form 3212PS (for RC only)

# Project-Specific vs. On-Call Contracts

## DBE Goal Assurances Forms

### Project-Specific Projects:

Prime consultant is required to make assurances that they will meet the established contract DBE Goal (or provide GFE) during the submittal with SOQ/RFP (Form 3212PS)



**ADOT**  
PROFESSIONAL SERVICES  
**PROJECT SPECIFIC CONTRACT**  
Disadvantaged Business Enterprise (DBE)  
Goal Assurance

ADOT TRACS No.: \_\_\_\_\_ Agency Project/Contract No.: \_\_\_\_\_  
Project Name: \_\_\_\_\_  
Prime: \_\_\_\_\_ AZ UTRACS Vendor #: \_\_\_\_\_

The undersigned, fully cognizant of the requirements and of the goal established, hereby certifies that in the preparation of the proposal for the above stated federal aid project,

☒ the Proposer will meet the established DBE goal or will make good faith efforts to meet the goal for the contract and that arrangements with certified DBEs have been made prior to the SOQ and/or cost proposal submission.

### On-Call Projects:

Prime consultant is required to make assurances that they will meet the established contract DBE Goal for the On-Call (or provide GFE) during the submittal with SOQ/RFP (Form 3204PS)



**ADOT**  
Professional Services  
**On-Call Contract**  
Disadvantaged Business Enterprise (DBE)  
Goal Assurance

ADOT TRACS No.: \_\_\_\_\_ Agency Project/Contract No.: \_\_\_\_\_  
Project Name: \_\_\_\_\_  
Prime: \_\_\_\_\_ AZ UTRACS Vendor #: \_\_\_\_\_

(\_\_\_\_\_) Firm Name, (CONSULTANT) certifies that:

The proposer will meet the established DBE goal or will make good faith efforts to meet the goal for the contract and that arrangements with certified DBEs have been made prior to contract cost proposal submission;

and

The proposer will meet the established DBE goal or make good faith efforts to meet the goal on each Task Order assignments associated with the contract and that arrangements with certified DBEs have been made prior to Task Order assignments proposal submission.

# During Cost Proposal Negotiations- Consultant Selection

Project Specific (RC only - not applicable for RN)

The successful proposer must submit with cost proposal:

- DBE Affidavits: Subconsultant Form 3205PS and Consultant Form 3206PS (not applicable for RN)

or

- Good Faith Effort Documentation (Project Specific) or Certifications of GFE Form 3203PS (Task Orders)

*Consultant should contact the COG/MPO and BECO prior to submission of Cost Proposal to receive assistance locating DBEs*



# During Cost Proposal Negotiations- Consultant Selection

On-Call Projects (RC only - not applicable for RN)

For each Task Order:

DBE Affidavits forms 3205PS and 3206PS

or

GFE Form 3203PS (*see following slide*)

Only proposers that demonstrate adequate GFE to meet the contract goal are eligible to be awarded federal contracts or each Task Order

# Good Faith Efforts

## Proposers:

Shall reference “Good Faith Effort Guide” and DBE Provisions

## COGs/MPOs:

- Document consultant’s request for assistance
- Notify BECO at [DBESupportiveServices@azdot.gov](mailto:DBESupportiveServices@azdot.gov) when assistance is requested by proposers

*Reference Part 49, CFR 26, Appendix A  
and/or LPA EPRISE Section 15.0*

# At Time of Award Contract Execution

Executed contract between the prime consultant and the COG/MPO includes the following mandatory federal provisions:

- Work Program Agreement, Section 12.0 “DBE”, Items 24.a through 24.g
- Prompt Pay Provisions



# At Time of Award Contract Execution

COG/MPO initiates contract in the LPA DBE System and ensures contract data is accurate

Subconsultant information is entered into the LPA DBE System after the COG/MPO initiates the contract

CONTRACT

2. Position and Section Employed
3. Place of Work
4. Working Hours
5. Wages (a) wage rate



# Post Award DBE Requirements

COG/MPO collects the committed DBE subcontracts before or at the kick-off conference to review for approval

COG/MPO ensures that the Work Program Agreement, Section 12.0 "DBE", Items 24.a through 24.g and the Prompt Pay Provisions are included in all subcontracts





# Prompt Payment & Payment Reporting Provisions

All Reportable Contract (DBE and Non-DBE) information must be entered into LPA DBE System no later than 15 calendar days after contract is executed

Any additional subcontract information shall be added within 5 days of COG/MPO approval

# Payment Reporting Requirements

The COG/MPO enters payments to primes. Payments must be reported by consultants in the LPA DBE System:

- Prime 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 prime consultant **must enter a zero-dollar value** as payment
- Prime 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

# Subconsultant Payment Verification

Subconsultants verifies 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







# Sanctions for Inadequate Reporting

COG/MPO monitors contracts monthly to ensure compliance with payment reporting:

- 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

*If payments are not reported monthly, sanctions will apply in accordance with Prompt Pay and Payment Reporting Provisions*

# Prompt Payment Requirements

- Consultant must pay its subconsultants, DBEs and Non-DBEs, within **7 calendar days** from receiving COG/MPO payment for work performed
    - Even if the prime fails to invoice the COG/MPO, the Contractor shall pay each Subcontractor for satisfactory work completed in no more than 30 calendar days from receipt of invoice for contractor-accepted work
- Sanctions will apply in accordance with Prompt Pay and Payment Reporting Provisions



Contract/TRACS No.: \_\_\_\_\_ Federal #: \_\_\_\_\_ Task Order: \_\_\_\_\_

Prime: \_\_\_\_\_ DBE Firm: \_\_\_\_\_

Requestor: \_\_\_\_\_ Email: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Type of request: ☐ Termination ☐ Substitution ☐ Reduction

**1. Is this request due to an ADOT reduction of work?**

- ☐ **Yes**, explain the change or reduction 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 supporting 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. a. Original DBE affidavit amount:** \$ \_\_\_\_\_ **b. Amount of work completed to date:** \$ \_\_\_\_\_

**c. Remaining DBE amount:** \$ \_\_\_\_\_

For DBE Substitution only, answer questions 5 thru 7:

**5. Proposed DBE Name(s):** \_\_\_\_\_

**6. Proposed DBE dollar amount to be substituted:** \$ \_\_\_\_\_

**7. Projected date for substitute DBE to commence work:** \_\_\_\_\_

Good Faith Effort Documentation to be submitted with this request or within 7 calendar days from approval of this request:

- DBE Affidavits and/or
- Other documentation to substantiate efforts made to replace the same amount of DBE work

All signatures must be obtained before request is submitted.

Prime Contractor Signature \_\_\_\_\_

Date: \_\_\_\_\_

Original DBE Subcontractor Signature \_\_\_\_\_

Date: \_\_\_\_\_

Agency RE/PM Signature \_\_\_\_\_

Date: \_\_\_\_\_

**FOR BECO USE ONLY**

Request is: Approved ☐ Not Approved ☐

BECO Representative: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

# Termination/Substitution/ Reduction of Work

- Consultant makes all reasonable efforts to avoid TSR of a DBE listed on the DBE Intended Affidavit Summary (committed DBE)
- Consultant advises COG/MPO within 24 hours from the first sign of any reason for potential DBE TSR
- COG/MPO notifies BECO immediately when receiving notification from the contractor

# Termination/Substitution/Reduction of Work

## Consultant Request for DBE Termination/Substitution/Reduction of Work

Consultant must submit the following, as a formal request, to the COG/MPO:

- DBE Termination/Substitution Form 3108PS
- DBEs written response
- Additional documentation (as necessary)



# Termination/Substitution/Reduction of Work Good Faith Effort (GFE)

If BECO approves the request, the consultant shall:

- Provide documentation of GFE to find a replacement DBE within 7 days from submitting request to terminate/substitute to the COG/MPO
  - If DBEs are identified, the consultant must submit DBE Affidavits for the replacement DBE to the COG/MPO for approval

*Required even when the COG/MPO eliminates a work item*



# Termination/Substitution/Reduction of Work Sanctions (LPA EPRISE)

- Remedies, which include sanctions, are applicable for DBE termination/substitution non-compliance
- 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

# 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: \_\_\_\_\_

# Contract Closeout Certification of Final DBE Payments (COP)

- For all DBEs, Consultant must submit COP Form 3210PS to COG/MPO no later than **30 days** after the DBE completes work and received final payment
- This document must be attached to the COG/MPOs final reimbursement request to MPD
- Consultant is not released from the obligations of the contract

# Meeting the DBE Goal

- COG/MPO monitors the project throughout the life of the project to avoid not meeting the DBE goal
- Sanctions will be applied if the DBE Goal is not met and GFE is not demonstrated in accordance with LPA PS EPRISE Section 22.06 (same for all PS contracts)



# Contract Closeout in the LPA DBE System

COG/MPO closes the contract in the LPA DBE System within 30 days of Final Contract Closeout



# Resources

BECO Compliance  
[LPA Website](#)

For DBE Compliance and other questions for BECO, try out the BECO Connects Form



Email Bid Verifications, COPs and other time-sensitive items:  
to BECO's LPA Contractor Compliance inbox

*BECO LPA Compliance Mailbox*  
[lpacontractorcompliance@azdot.gov](mailto:lpacontractorcompliance@azdot.gov)

*Melanie Peterson*  
[mpeterson@azdot.gov](mailto:mpeterson@azdot.gov)  
LPA/Subrecipient Program Manager

*Sally Palmer*  
[spalmer@azdot.gov](mailto:spalmer@azdot.gov)  
Contracts Program Manager / Compliance Officer





# QUESTIONS