REQUEST FOR QUALIFICATIONS

PHOENIX SKY HARBOR INTERNATIONAL AIRPORT
TERMINAL 3 NORTH INNER APRON RECONSTRUCTION
DESIGN SERVICES

PROJECT NO. AV08000081-1 FAA

MAYOR
GREG STANTON

CITY COUNCIL
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DISTRICT NO. 2 – JIM WARING
DISTRICT NO. 3 – DEBRA STARK
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DISTRICT NO. 5 – DANIEL VALENZUELA
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DISTRICT NO. 8 – KATE GALLEGO

CITY MANAGEMENT
CITY MANAGER   ED ZUERCHER
CITY ENGINEER   KINI L. E. KNUDSON, PE
REQUEST FOR QUALIFICATIONS

PHOENIX SKY HARBOR INTERNATIONAL AIRPORT
TERMINAL 3 NORTH INNER APRON RECONSTRUCTION
DESIGN SERVICES
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The City of Phoenix is seeking a qualified consultant to provide design and possible construction administration and inspection services for the Terminal 3 North Inner Apron Reconstruction Project located at Phoenix Sky Harbor International Airport. Experience in an active airfield environment is desired. The estimated construction cost is $11.6 million.

This project will utilize federal funds and is subject to the requirements of 49 Code of Federal Regulations Part 26 and the U.S. Department of Transportation DBE Program.

SECTION I – PROJECT DESCRIPTION

The current pavement section in the Terminal 3 North Inner Apron is 15-inch Portland Cement Concrete Pavement (PCCP) reinforced with welded wire mesh with light, medium and heavy linear cracking, medium to large patching, some faulting, scaling, shrinkage cracking, and failed joint seal. Also, Alkali Silica Reaction (ASR) has been observed on some of the panels. This project is to remove and replace the existing pavement structure surrounding Terminal 3 North concourse. Approximately 1,630 panels (12’ x 20’) with approximate total area of 43,600 square feet will be affected by this project.

SECTION II – SCOPE OF WORK

The preferred design consultant shall have design experience in an active airport operations area, familiarity with Federal Aviation Administration (FAA) Advisory Circulars and experience in coordinating projects with airport user groups. Services may include phased engineering design services. The design elements shall include, but are not limited to the following:

- Removal of PCCP
- Design appropriate depth of PCCP
- Provide airport service roads and traffic controls where appropriate
- Sign and stripe apron per FAA requirements
- Provide construction estimates, construction safety plans and all required documentation to submit to FAA for FAA and Airport Improvement Program (AIP) grant compliance
- Provide construction administrative services to assure quality assurance, testing and certifications for structural subgrade and PCCP per AIP and FAA compliance and requirements
- Perform geotechnical engineering investigations to validate structural pavement and subgrade requirements
- Upgrade and replace signage and taxiway lighting
- Perform survey to update existing grades
- Investigate utility conflicts
- Provide updated plan/profile design
- Update drainage plans
- Provide and update electrical plans
- Provide cost estimates and package the project to be constructed in different phases, per grant allocations
- Update the design of appropriate airside barricade plan and service road detours
- Utilize the City’s web based project management system, Unifier
- Complete the Engineers Report required for FAA and AIP grant compliance
• Provide Construction Administration and Inspection (CA&I) services to assure quality assurance, testing and certifications for structural subgrade, PCCP and electrical installation per AIP and FAA compliance and requirements during construction.

SECTION III - PRE-SUBMITTAL MEETING

A pre-submittal meeting will be held on Monday, October 16, 2017, at 2:00 p.m., local time, at Phoenix Sky Harbor International Airport Facilities & Services Building, 2nd Floor, Conference Rooms A & B, located at 2515 E. Buckeye Road, Phoenix, Arizona 85034. At this meeting, City staff will discuss the scope of work, general contract issues and respond to questions from the attendees. As City staff will not be available to respond to individual inquiries regarding the project scope outside of this pre-submittal meeting, it is strongly recommended that interested firms send a representative to the pre-submittal meeting.

SECTION IV – DBE QUALIFICATIONS CRITERIA

For this opportunity, the City has not established a race- and gender-conscious DBE participation goal. See Exhibit A for details.

SECTION V - STATEMENT OF QUALIFICATIONS EVALUATION CRITERIA

A Firm will be selected through a qualifications-based selection process based on the following criteria:

A. General information (10 points)

1. Provide a general description of the firm or team that is proposing to provide services for the project.

2. Provide the following information:
   a. List the professional licenses held by the team and the key personnel who will be assigned to this project.
   b. Identify the location of the lead firm’s principal office and the home office location of key staff on this project.
   c. Provide an organization chart showing key personnel.

B. Design Experience of the Prime Firm (20 points)

Discuss the experience and qualifications of the prime firm in providing design services for similar projects. Identify projects the submitting firm has completed. For each project listed, please provide:

1. Description of the project
2. Project’s original contracted construction cost and final construction cost
3. Construction dates
4. Project owner
5. Percentage of DBE participation in design phase
6. Reference information (two current names with telephone numbers per project)

C. Construction Administration and Inspection Experience of the Prime Firm (15 points)

Discuss the experience and qualifications of the prime firm in providing construction administration and inspection services for similar projects. Identify projects the submitting firm has completed. For each project listed, please provide:

1. Description of the project
2. Project’s original contracted construction cost and final construction cost
3. Construction dates
4. Project Owner
5. Percentage of DBE participation in construction administration and inspection services
6. Reference information (two current names with telephone numbers per project)
D. Experience of Key Personnel and Subconsultants (20 points)

Experience and qualifications of the specific project team expected to be assigned to this project. Include sub-consultant, including DBEs, experience. Identify each team member’s role in the projects identified. Specify if work was completed while employed under submitting firm or another firm.

For each key person identified, list their length of time with the firm and at least two comparable projects in which they have played a primary role. If a project selected for a key person is the same as one selected for the firm, provide just the project name and the role of the key person. For other projects provide the following:

1. Description of project
2. Role of the person
3. Project’s original contracted construction cost and final construction cost
4. Construction dates
5. Project Owner
6. Reference information (two current names with telephone numbers per project)

E. Project Understanding and Approach (30 points)

Understanding and approach to the project, including a discussion of the important considerations of the project and the teams approach to the project issues.

F. Overall evaluation of the firm and its perceived ability to provide the required services (5 points)

Overall evaluation of the firm’s capability to provide the required services as determined by the selection panel members. No additional submittal response is required.

SECTION VI - SUBMITTAL REQUIREMENTS

Firms interested in this project should submit a Statement of Qualifications (SOQ). Submittal requirements are as follows:

ALL FIRMS SHOULD BE REGISTERED IN THE CITY’S VENDOR MANAGEMENT SYSTEM PRIOR TO SUBMITTING A PROPOSAL. FOR NEW FIRMS - THE CITY WILL SEND AN EMAIL TO YOUR FIRM WITH A VENDOR NUMBER WITHIN TWO DAYS OF SUBMITTING THE REQUEST. THE VENDOR NUMBER SHOULD BE INCLUDED ON THE COVER OF THE STATEMENT OF QUALIFICATIONS. INFORMATION ON HOW TO REGISTER WITH THE CITY IS AVAILABLE AT:

https://www.phoenix.gov/finance/vendorsreg

☑ Cover Letter: Provide a cover letter which includes full firm company name, address, phone number, vendor number, and the email address of your contact person for the project.

☑ Evaluation Criteria: Address the SOQ evaluation criteria and include a project organizational chart.

☑ Additional Content: Resumes and other information may be included (content shall be included within the permitted maximum page limit).

☑ DBE Attachments: Include completed DBE Clause Attachment A (Exhibit A) and supporting documentation, in a separate sealed envelope along with your SOQ submittal (DBE attachments do NOT count towards maximum page count).

☑ Submittals:

- Clearly display the firm name, vendor number, project title, and project number on the cover of the SOQ and submittal package.
- Submittals must be placed in the depository located in the reception area on the 6th Floor of Phoenix City Hall by the submittal due date/time.
- All submittals must be addressed to:
Provide 7 copies of the Statement of Qualifications.
A maximum of 12 pages is permitted to address all content in the SOQ submittal. *(Maximum page limit includes evaluation criteria and all additional content. It does not include cover letter.)*
Submit the Statement of Qualifications by 12:00 noon, local time, on Friday, October 27, 2017
Paper Size shall be 8½ “ x 11”
Font size may not be less than 10 point
Each side of a page containing evaluation criteria and additional content will be counted toward the maximum page limit noted above
Pages that have project photos, charts and/or graphs will be counted towards the maximum page limit noted above
Front and back covers, cover letter, Table of Contents pages, and divider (tab) pages will NOT be counted toward the maximum page limit noted above, unless they include evaluation criteria and additional content that could be considered by the selection panel.

Note: All pages exceeding the specified maximum page limit will be removed from the submittal and not considered in evaluating a submitted SOQ.

**GROUNDS FOR DISQUALIFICATION:**
Please be advised that the following will be grounds for disqualification, and will be strictly enforced:

- Receipt of submittal after the specified cut-off date and time.
- Too few copies of the submittal.
- Deposit of submittal in the wrong location.
- Violating the “Contact with City Employees” policy contained in this RFQ.
- Missing DBE Attachment A and/or supporting documentation (Exhibit A). Note: Please submit in a separate sealed envelope.

**SECTION VII - SELECTION PROCESS AND SCHEDULE**
The successful firm will be selected through a qualifications based selection process. Interested firms will submit a Statement of Qualifications (SOQ). A Selection Panel will evaluate each SOQ according to the criteria set forth in Section V above. The City will select a firm based on the SOQ’s received; no formal interviews will be conducted. The City may conduct a due diligence review on the firms receiving the highest evaluation.

The City expects to create a final list of at least three, but not more than five firms for this project. The City will enter into negotiations with the selected firm and execute a contract upon completion of negotiation of fees and contract terms for City Council approval.

The following tentative schedule has been prepared for this project.

<table>
<thead>
<tr>
<th>Event</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pre-submittal meeting</td>
<td>October 16, 2017</td>
</tr>
<tr>
<td>SOQs due</td>
<td>October 27, 2017</td>
</tr>
<tr>
<td>Scope Meeting</td>
<td>November 2017</td>
</tr>
</tbody>
</table>

If the City is unsuccessful in negotiating a contract with the best-qualified firm, the City may then negotiate with the next most qualified firm until a contract is executed, or the City may decide to terminate the selection process. Once a contract is executed with the successful firm, the procurement is complete.

Firm selected for this project will be notified directly by the City. Notification to all other firms on the status of a selection on this project will be posted on the Design and Construction Procurement’s “Preliminary Bid Results and Recent Awards” website:
SECTION VIII - FEDERAL REQUIREMENTS

Lobbying and Influencing Federal Employees. No Federal appropriated funds shall be paid, by or on behalf of the Consultant, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant and the amendment or modification of any Federal grant. If any funds other than Federal appropriated funds have been paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any Federal grant, the Consultant shall complete and submit Standard Form-LLL, “Disclosure of Lobby activities,” in accordance with its instructions.

Trade Restriction. The Consultant and its subconsultants, by submission of the Statement of Qualifications, certifies that it is not owned or controlled by one or more citizens of a foreign country included in the list of countries that discriminate against U.S. firms published by the Office of the United States Trade Representative (USTR); has not knowingly entered into any contract or subcontract for this contract with a person that is a citizen or national of a foreign country on said list, or is owned or controlled directly or indirectly by one or more citizens or nationals of a foreign country on said list; and has not procured any product nor subcontracted for the supply of any product for use on the contract that is produced in a foreign country on said list.

Unless the restrictions of this clause are waived by the Secretary of Transportation in accordance with 49 CFR 30.17, no contract shall be awarded to a Consultant or subconsultant who is unable to certify to the above. If the Consultant knowingly procures or subcontracts for the supply of any product or service of a foreign country on said list for use on the Project, the Federal Aviation Administration may direct through the Sponsor cancellation of the contract at no cost to the Government.

Further, the Consultant agrees that, if awarded a contract resulting from this solicitation it will incorporate this provision for certification without modification in each contract and in all lower tier subcontracts. The Consultant may rely on the certification of a prospective subconsultant unless it has knowledge that the certification is erroneous.

The Consultant shall provide immediate written notice to the Sponsor if the Consultant learns that its certification or that of a subconsultant was erroneous when submitted or has become erroneous by reason of changed circumstances. The subconsultant agrees to provide written notice to the Consultant if at any time it learns that its certification was erroneous by reason of changed circumstances.

Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render, in good faith, the certification required by this provision. The knowledge and information of a Consultant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

Debarment, Suspension, Ineligibility and Voluntary Exclusion. The Consultant and its subconsultants, by submission of its Statement of Qualifications (SOQ) certifies that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency. It further agrees by submitting its SOQ that it will include this clause without modification in all lower tier transactions, solicitations, proposals, contracts, and subcontracts. Where the Consultant or any lower tier participant is unable to certify this statement, it shall attach an explanation to its SOQ.

Federal Affirmative Action Requirements. The Consultant will comply with the federal Affirmative Action requirements as provided by 14 C.F.R. Part 152, subpart E during the term of the Contract and the Consultant will require its subconsultants to also comply with the federal Affirmative Action requirements as set out above, and as may be amended. Failure of the Consultant and its subconsultants to maintain compliance during the term of the Contract, including renewal options, is a material breach and may result in termination of this Contract.
SECTION IX – GENERAL INFORMATION

Citywide Capital Improvement Projects. Consulting and contractor services supporting the City’s Capital Improvement Projects are procured under the authority of the City Engineer, currently located within the Street Transportation Department. Design and Construction Procurement coordinates the citywide consulting and construction contracting procurement processes.

Planholder Lists. All firms who download the Request for Qualifications packet for this project from the “Current Opportunities” webpage will be listed on the project’s Planholder List. This report is available within the project folder. The website address is:

https://phoenix.gov/streets/procurement/current-opportunities

Firms receiving a copy of the Request for Qualifications (RFQ) through any other means must download the RFQ from the City webpage and register as a planholder for the project.

Changes to Request for Qualifications. Any changes to this Request for Qualifications will be in the form of a Notification Letter. The City of Phoenix shall not be held responsible for any oral instructions. Notification Letters are available within the project folder. The address is:

https://phoenix.gov/streets/procurement/current-opportunities

It shall be the responsibility of the registered RFQ holder to determine, prior to the submittal of the Statement of Qualifications, if Notification Letters have been issued. Registered RFQ holders may refer to the webpage or call the Contract Specialist (listed below) in order to ascertain if Notification Letters have been issued for this project.

Alternate Format. For more information or a copy of this publication in an alternate format, contact the Contract Specialist (listed below) - Voice or 602-256-4286 – TTY. Requests will only be honored if made within the first week of the advertising period.

Release of Project Information. The City shall provide the release of all public information concerning the project, including selection announcements and contract awards. Those desiring to release information to the public must receive prior written approval from the City.

City Rights. The City of Phoenix reserves the right to reject any or all Statements of Qualifications, to waive any informality or irregularity in any Statement of Qualifications received, and to be the sole judge of the merits of the respective Statements of Qualifications received.

Contact with City Employees. Beginning on the date the RFQ is issued and until the date the contract is awarded or the RFQ withdrawn, all persons or entities that respond to the RFQ, including their authorized employees, agents, representatives, proposed partner(s), subcontractor(s), joint venture(s), member(s), or any of their lobbyists or attorneys (collectively the Proposer), will refrain from any direct or indirect contact with any person (other than the designated Contract Specialist), including members of the evaluation panel, the City Manager, Assistant City Manager, Deputy City Managers, Department heads, the Mayor and other members of the Phoenix City Council. As long as the RFQ solicitation is not discussed, Proposers may continue to conduct business with the City and discuss business that is unrelated to this RFQ solicitation with City staff.

Commencing on the date and time a solicitation is published, potential or actual proposers (including their representatives) will only discuss matters associated with the solicitation with the Mayor, any members of City Council, the City Manager, any Deputy City Manager, or any Department Director directly associated with the solicitation (including in each case their assigned staff, except for the designated Contracts Specialist) at a public meeting, posted under the Arizona Revised Statutes, until the resulting contract(s) are awarded or all offers or responses are rejected and the solicitation is cancelled without any announcement by the Contracts Specialist of the City’s intent to reissue the same or a similar solicitation.

Proposers may discuss their proposal or the RFQ solicitation with the Mayor or one or more members of the Phoenix City Council, provided such meetings are scheduled through the Contract Specialist (listed below), conducted in person at 200 W. Washington, Phoenix, Arizona 85003, and are posted as open
meetings with the City Clerk at least 24 hours prior to the scheduled meetings. The City Clerk will be responsible for posting the meetings. The posted notice shall identify the participants and the subject matter, as well as invite the public to participate.

This policy is intended to create a level playing field for all Proposers, assure that contracts are awarded in public, and protect the integrity of the selection process. **OFFERORS THAT VIOLATE THIS POLICY WILL BE DISQUALIFIED.**

**Conflict of Interest.** The City reserves the right to disqualify any Proposer on the basis of any real or apparent conflict of interest that is disclosed by the proposal submitted or any other data available to the City. This disqualification is at the sole discretion of the City. Any Proposer submitting a proposal herein waves any right to object now or at any future time, before any body or agency, including but not limited to, the City Council of the City of Phoenix or any court.

**Data Confidentiality.** Except as specifically provided in the Contract, the Consultant or its subconsultants shall not divulge data to any third party without prior written consent of the City.

**Legal Worker Requirements.** The City of Phoenix is prohibited by A.R.S. § 41-4401 from awarding a contract to any firm who fails, or whose subconsultants fail, to comply with A.R.S. § 23-214(A). The firm and each subconsultant shall comply with all federal immigration laws and regulations related to their employees and compliance with the stated law. The City of Phoenix retains the legal right to inspect the papers of any firm or subconsultant employee who is awarded a contract to ensure that the firm or subconsultant is complying with the law.

**Lawful Presence Requirement.** Pursuant to A.R.S. §§ 1-501 and 1-502, the City of Phoenix is prohibited from awarding a contract to any natural person who cannot establish that such person is lawfully present in the United States. To establish lawful presence, a person must produce qualifying identification and sign a City-provided affidavit affirming that the identification provided is genuine. This requirement will be imposed at the time of contract award. This requirement does not apply to business organizations such as corporations, partnerships or limited liability companies.

**No Israel Boycott.** By entering into this contract, the Engineer/Contractor certifies that they are not currently engaged in, and agrees for the duration of the Contract to not engage in, a boycott of Israel as defined in the state statute.

**Worker Background Screening.** Consultant and its subconsultants awarded a contract for this project shall perform Background Screening for all employees providing services for the project. The Background Screening provided by Consultant and subconsultants shall comply with A.R.S. § 41-4401, and all applicable laws, rules and regulations. In addition to the Background Screening performed by the Consultant and subconsultants, the City reserves the right to require the Consultant and subconsultants provide fingerprints and execute other documentation as necessary to obtain criminal justice information pursuant to A.R.S. § 41-1750(G)(4) or Phoenix City Code § 4-22.

**Badge Access Requirements.** The Consultant and subconsultants shall not be allowed to begin work in a City facility without prior completion and City’s acceptance of the required background screening; and when required, the Consultant’s and subconsultant’s receipt of and payment for a City issued badge.

**Protest Procedures.** Firms wishing to respond to disqualification or a procurement outcome may refer to The Code of the City of Phoenix Chapter 2, Article XII, Section 2-188 which governs protest procedures utilized throughout the selection process. The procedures may be reviewed through the City of Phoenix website at:

http://www.codepublishing.com/az/phoenix/

**Questions.** Questions pertaining to this selection process or contract issues should be directed to the Contract Specialist, Mr. Emeka Ekpe at (602) 256-4107.
EXHIBIT A – DISADVANTAGED BUSINESS ENTERPRISE CONTRACT CLAUSE

ATTACHED
The City of Phoenix Disadvantaged Business Enterprise Program (DBE) is managed and administered by the Equal Opportunity Department, Contract Compliance Division. Phoenix is one of the fastest growing, multicultural cities in the country and has shown a historical commitment to business diversity. The City strives to advance the economic growth of local businesses through its Disadvantaged Business Enterprise (DBE) Program.

Through a coordinated effort among several city departments, the DBE Program provides DBE certification, procurement opportunities, construction subcontracting utilization, small business management and technical assistance and educational services and networking opportunities.

SECTION I  DEFINITIONS

Agency means the City of Phoenix for purposes of this Contract.

Arizona Unified Certification Program (AZUCP) means a consortium of government agencies organized to provide reciprocal DBE certification within Arizona pursuant to 49 Code of Federal Regulations (CFR) Part 26. The official DBE database containing eligible DBE firms certified by AZUCP can be accessed at: https://adot.dbesystem.com. The certification system is called the Arizona Unified Transportation Registration and Certification System (AZ UTRACS).

Commercially Useful Function (CUF) means that a DBE is responsible for executing the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. If a DBE does not perform or exercise responsibility for at least 30% of the total cost of its contract with its own work force, or if the DBE subcontracts a greater portion of the work of a contract than would be expected on the basis of normal industry practice for the type of work involved, the DBE is presumed not to be performing a Commercially Useful Function.

Contract means a legally binding relationship obligating a seller to furnish supplies or services (including construction and professional services) and the buyer to pay for them.

DBE stands for disadvantaged business enterprise. In this context, DBE means a Small Business Concern that has successfully completed the DBE certification process and has been granted DBE status by an AZUCP member pursuant to the criteria contained in 49 CFR Part 26.

DBE Compliance Liaison means an Agency employee responsible for compliance with this DBE Contract Clause.

EOD means the City of Phoenix Equal Opportunity Department.

Joint Venture (JV) means an association between two or more persons, partnerships, corporations, or any combination thereof, formed to carry on a single business activity. The JV is limited in scope and duration to this Contract. The resources, asset and labor of the participants must be combined in an effort to accrue profit.
Outreach Efforts means the diligent and good-faith efforts demonstrated by a Submitter to solicit participation from interested and qualified DBEs and other Small Businesses. Submitter shall identify and document potential business opportunities for DBEs and other Small Businesses, describe what efforts were undertaken to solicit DBE and Small Business participation, disclose results of negotiations with DBEs and Small Businesses, communicate and record Submitter’s selection decisions relating to DBE and Small Business participants.

Race- and Gender-Neutral (RGN) Measures means a measure or program that is, or can be, used to assist all Small Businesses.

Small Business means, with respect to firms seeking to participate in contracts funded by the U.S. Department of Transportation (US DOT), a Small Business Concern as defined in section 3 of the Small Business Act and Small Business Administration regulations implementing the Act (13 CFR part 121), which Small Business Concern does not exceed the cap on average annual gross receipts specified in 49 CFR § 26.65(b). “Small Business” and “Small Business Concern” are used interchangeably in this DBE Contract Clause.

Subcontract means a contract at any tier below the prime contract, including a purchase order.

Subcontractor means an individual, partnership, JV, corporation or firm that holds a contract at any tier below the prime contract, including a vendor under a purchase order.

Submitter means an individual, partnership, JV, corporation or firm that tenders a submittal to the Agency to perform services requested by a solicitation or procurement. The submittal may be direct or through an authorized representative.

Successful Submitter means a firm that has been selected by the Agency to perform services or furnish supplies requested by a solicitation or procurement.
SECTION II  GENERAL REQUIREMENTS

A. Applicable Federal Regulations. This Contract is subject to DBE requirements issued by USDOT in 49 CFR Part 26. Despite the lack of a race- and gender-conscious DBE participation goal for this Contract, the Agency must track and report DBE participation that occurs as a result of any procurement, JV, goods/services, or other arrangement involving a DBE. For this reason, the Successful Submitter shall provide all relevant information to enable the required reporting.

B. DBE Participation. For this solicitation, the Agency has not established a race- or gender-conscious DBE participation goal. The Agency extends to each individual, firm, vendor, supplier, contractor, and subcontractor an equal economic opportunity to compete for business. The Agency uses race- and gender-neutral measures to facilitate participation by DBEs and Small Businesses. The Agency encourages each Submitter to voluntarily subcontract with DBEs and Small Businesses to perform part of the work—a Commercially Useful Function—that Submitter might otherwise perform with its own forces.

C. Counting DBE Participation. The Agency will count DBE participation as authorized by federal regulations. A summary of these regulations can be found at phoenix.gov/eod.

D. DBE Certification. Only firms (1) certified by the Agency or another AZUCP member, and (2) contracted to perform a Commercially Useful Function on scopes of work for which they are certified, may be considered to determine DBE participation resulting from RGN measures on this Contract. This DBE determination affects the Agency’s tracking and reporting obligations to USDOT.

E. Civil Rights Assurances. As a recipient of USDOT funding, the Agency has agreed to abide by the assurances found in 49 CFR Parts 21 and 26. Each Contract signed by the Agency and the Successful Submitter, and each Subcontract signed by the Successful Submitter and a Subcontractor, must include the following assurance verbatim:

“The Contractor, subrecipient, or subcontractor shall not discriminate on the basis of race, color, national origin, sex, or creed in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Parts 21 and 26 in the award and administration of USDOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the City of Phoenix deems appropriate.”

Note: For purposes of the required Contract and Subcontract language above, Successful Submitter is the “Contractor.”
SECTION III REQUIRED OUTREACH EFFORTS

The Agency has implemented outreach requirements for this contract. Specifically, the Successful Submitter shall: (1) Identify small-business-participation opportunities, including Commercially Useful Functions; (2) Actively solicit proposals from small businesses; (3) Evaluate small-business proposals; and (4) Communicate selection decisions to small businesses, including each rejection of a small-business proposal. If Successful Submitter fails to conduct these Outreach Efforts or fails to submit the required documentation of Successful Submitter's Outreach Efforts as indicated in Section IV, Parts A and B below, the Agency may determine that the Successful Submitter is noncompliant.

SECTION IV PRE-AWARD SUBMITTAL REQUIREMENTS

A. Documentation due with initial qualifications-based submittal

1. **EOD Form-1 – Statement of Outreach Commitment**
   Each Submitter shall complete and submit **EOD Form-1 - Statement of Outreach Commitment** with its initial qualifications-based submittal.

B. **Failure To Submit A EOD Form-1**
   Submittals that do not have this form completed and signed will be deemed nonresponsive. A nonresponsive submittal will be disqualified from further evaluation.
SECTION V  POST-AWARD SUBMITTAL REQUIREMENTS

A. Documentation due within 30 calendar days following the award of the contract.

1. **EOD Form-2 - Documentation of Outreach Efforts**
   Successful Submitter shall complete and submit EOD Form-2 documenting its diligent, earnest outreach efforts for all phases of the contract, as described in Section VII of this clause.

   a. Successful Submitter shall list in EOD Form-2: all DBEs and Small Businesses contacted by the Successful Submitter. Successful Submitter shall also provide the following minimum information to document its Outreach Efforts. The DBE Compliance Liaison will consider this information to determine whether the Successful Submitter has demonstrated the required Outreach Efforts:
      1) Each business’s full legal name and contact information;
      2) Business status (DBE, Small Business, SBE, or unknown);
      3) Scope of work solicited (brief description, percentage of contract value);
      4) Solicitation method (personal contact, telephone, fax, e-mail, other);
      5) Selection process; and
      6) Communication of selection outcome to each participant.*

*Successful Submitter shall provide supporting documentation that shows Submitter has communicated its final selection decisions and outcomes to all DBEs/Small Businesses, including those not chosen to participate in this Contract.

   b. Successful Submitter shall complete EOD Form-2 in accordance with the following instructions.
      1) Successful Submitter shall actively contact DBEs or Small Businesses for each scope of work or business opportunity selected for Outreach Efforts (Columns A and C).
      2) Successful Submitter’s contacts with DBEs and Small Businesses should occur well before the deadline for the 30 calendar days following the award of the contract to afford the firms contacted a reasonable opportunity to prepare a proposal and participate in the Contract.
      3) Successful Submitter shall ask each firm to indicate the number of its employees (Column A).
      4) For each DBE’s or Small Business’s annual gross receipts, Successful Submitter shall ask the firm to indicate the gross-receipts bracket into which it fits (e.g., less than $500,000; $500,000 – $1 million; $1 – 2 million; $2 – 5 million; etc.) rather than requesting an exact figure from the firm (Column A).
      5) If Successful Submitter does not select a DBE or Small Business to participate in the Contract, Successful Submitter shall explain the reason why (Column E).
      6) Successful Submitter shall notify each DBE or Small Business contacted whether or not Successful Submitter selected the firm. Successful Submitter shall notify all firms of their selection outcome, and Successful Submitter shall state when (date) and how (method) the selection outcome was communicated to each firm (Column F).
2. **EOD Form-2 Supporting Documentation**
Successful Submitter shall complete and submit supporting documentation of its Outreach Efforts related to EOD Form-2.
   a. Successful Submitter shall submit EOD Form-2 on the due date with all supporting documentation of Successful Submitter’s contacts with DBEs or Small Businesses for each scope of work or business opportunity selected for Outreach Efforts.
   b. This documentation must include: (1) descriptions of scopes of work and business opportunities identified for DBE and Small Business participation, and (2) a copy of the actual solicitation sent to interested DBEs and Small Businesses. The solicitation may be in the form of a letter, attachment to an e-mail, advertisements in newspapers and trade papers, or written communications with chambers of commerce.
   c. Successful Submitter shall submit documentation that establishes how Submitter communicated its selection decisions and outcomes to each DBE and Small Businesses selected or not selected for this Contract. This documentation may be in the form of a letter, e-mail, or a telephone log and must show the name of the person contacted and date.
   d. For all of the above documentation, if Successful Submitter uses a blast e-mail or fax format, the documentation submitted must include a copy of the e-mail or fax, and Successful Submitter must disclose all e-mail addresses and fax numbers to which the solicitation or outcome notification was sent and the date and time of the transmission. For telephone contacts, Successful Submitter shall document the date and time of the call and the names of the respective persons representing Successful Submitter and the DBE or Small Business.

3. **EOD Form-3 (Small Business Utilization Commitment)**
The Successful Submitter shall sign and submit EOD Form-3, which commits Successful Submitter to the Agency as follows:
   1) The firms indicated as “Selected” in EOD Form-2 will participate in the Contract;
   2) The Successful Submitter will comply with the Race- and Gender-Neutral post-award requirements as stated in Sections VI and VII below;
   3) Any and all changes or substitutions will be authorized by the DBE Compliance Specialist before implementation;
   4) The proposed total Small Business participation dollar value is true and correct.

Successful Submitter shall ensure that the dollars proposed for Small Business participation on Attachment B equal the total dollar value proposed in EOD Form-3.

**B. Failure To Meet Outreach Requirements.** The DBE Compliance Specialist will determine, in writing, whether Successful Submitter has satisfied all outreach requirements. If the DBE Compliance Specialist determines that Successful Submitter has failed to satisfy the outreach requirements (specified in Section V, Parts A & B), then the DBE Compliance Specialist may determine that the submittal is noncompliant. The Agency shall send written notice to Successful Submitter stating the basis for DBE Compliance Specialist’s decision. Failure to fulfill the Outreach Requirements is considered a material breach of contract.
SECTION VI POST-AWARD COMPLIANCE REQUIREMENTS

A. **Subcontracting Commitment.** Within 30 days after Contract award, the Successful Submitter shall submit to Agency a list of all subcontractors and copies of all executed contracts, purchase orders, subleases, JV agreements, and other arrangements formalizing agreements between Successful Submitter and any DBE or Small Business.

The Successful Submitter shall not terminate any DBE or Small Business Subcontracts, and the Successful Submitter shall not alter the scope of work or reduce the Subcontract amount, without the DBE Compliance Specialist’s prior written approval. Any request to alter a DBE or Small Business Subcontract must be submitted in writing to the DBE Compliance Specialist before any change is made. If the Successful Submitter fails to do so, the Agency may declare Successful Submitter in breach of contract.

B. **Relief from Proposed DBE Utilization.** After Contract award, the Agency will not grant relief from the proposed DBE or Small Business utilization except in extraordinary circumstances. The Successful Submitter’s request to modify DBE or Small Business participation must be in writing to the DBE Compliance Specialist. The DBE Compliance Specialist has final discretion and authority to determine if the request should be granted.

Submitter’s written request must set forth the amount of relief sought, evidence that demonstrates why relief is necessary, and any additional relevant information that the DBE Compliance Specialist should consider. The Successful Submitter shall include with the request all documentation of Submitter’s attempts to subcontract with the DBE or Small Business and any other action taken to locate and solicit a replacement DBE or Small Business.

If an approved DBE allows its DBE certification to expire, or the certification is revoked during the course of the Subcontract, the Agency will consider all work performed by the DBE under the original contract to count as DBE participation. No increased scope of work negotiated after expiration or revocation of the DBE’s certification may be counted. Likewise, any work performed under a Contract extension granted by the Agency may not be counted as DBE participation.

C. **DBE Substitutions.** If the DBE or Small Business was approved by the Agency, but the firm subsequently loses its DBE or Small Business status before execution of a contract, the DBE Compliance Specialist will consider whether or not the Successful Submitter has exercised diligent and good-faith efforts to find another DBE or Small Business as a replacement. The Successful Submitter shall notify the DBE Compliance Specialist in writing of the necessity to substitute a DBE or Small Business and provide specific reason(s) for the substitution or replacement. Actual substitution or replacement of a DBE or Small Business may not occur before the DBE Compliance Specialist’s written approval has been obtained.
Prompt Payment of Subcontractors. The Successful Submitter must promptly pay its subcontractors, subconsultants, or suppliers within 30 calendar days of receipt of each progress payment from the Agency. For projects governed by Title 34 of the Arizona Revised Statues, payment must be made within seven (7) calendar days. If the Successful Submitter diverts any payment received for a DBE’s, Small Business’s, or other Subcontractor’s work performed on the Contract or fails to reasonably account for the application or use of the payment, the Agency may declare the Successful Submitter in breach of contract.

Under the prompt-payment provisions of 49 CFR Part 26, the Successful Submitter must ensure prompt and full release of retentions to Subcontractors and suppliers when their scope of work is complete, the Agency has accepted the work, and the Agency has paid Successful Submitter for the work. The Successful Submitter shall pay each Subcontractor’s and supplier’s retention no later than 30 days after the Agency has accepted and paid for the scope(s) of work, regardless if there’s outstanding retention held against the Successful Submitter. If the Agency reduces the Successful Submitter’s retention, the Successful Submitter shall correspondingly reduce the retentions of Subcontractors and suppliers that have performed satisfactory work.

Nothing in this section prevents the Successful Submitter from enforcing its Subcontract with a Subcontractor or supplier for defective work, late performance, and other claims arising under the Subcontract.

D. Sanctions and Penalties. If the Successful Submitter fails to comply with these contract provisions and the requirements set forth in 49 CFR Part 26, the Agency may take any one or more of the following actions:

1. Declare the Successful Submitter in breach of contract;
2. Withhold future payments, including retention, until proper payment has been made to all Subcontractors and suppliers;
3. Reject the Successful Submitter’s future bids on Agency contracts for a period not to exceed one (1) year from the substantial-completion date of this Contract; and/or
4. Terminate the Contract.
SECTION VII  RECORDS & REPORTING REQUIREMENTS

A. Records. During performance of the Contract, the Successful Submitter shall keep all records necessary to document DBE and Small Business participation. The Successful Submitter shall provide the records to the Agency within 72 hours of the Agency’s request and at final completion of the Contract. The Agency will prescribe the form, manner, and content of reports. The required records may include but not limited to:

1. A complete listing of all Subcontractors and suppliers on the project;
2. Each Subcontractor’s and supplier’s scope performed;
3. The dollar value of all subcontracting work, services, and procurement;
4. Copies of all executed Subcontracts, purchase orders, and invoices: and
5. Copies of all payment documentation.

B. Reports. At the beginning of each month, the Successful Submitter must enter payment information and the following documentation into the Agency’s web-based Certification and Compliance System.

1. The total of all payments received from the City during the previous month.
2. The first two pages of each payment application submitted for those payments.
3. All payments made to Subcontractors during the previous month.

The reporting system can be found at https://phoenix.diversitycompliance.com

Before the Agency processes the Successful Submitter's final payment and/or outstanding retention held against the Successful Submitter, the Successful Submitter shall submit to the Agency a final certification of full and final payment to each Subcontractor in the form prescribed by the Agency. The form must be completed and certified by the Successful Submitter's and each Subcontractor's duly authorized agents.
Form – EOD-1
STATEMENT OF OUTREACH COMMITMENT
(Due with Response at Time of Submittal)

On behalf of the Respondent, I certify under penalty of perjury that the following information is true and correct.

If selected as the Successful Respondent, the Successful Respondent will:

1) Fulfill all required small business outreach requirements and submit all required outreach efforts documentation for contracting opportunities within 30 days following contract award;

2) Conduct all required small business outreach and submit a Small Business Utilization Plan along with all required outreach efforts documentation every year by the anniversary of the contract award date; and

3) Comply with the Race- and Gender-Neutral post-award requirements stated in the DBE Contract Clause.

Project Number: ______________________________________________________________

Project Title: _________________________________________________________________

Company Name: ______________________________________________________________

Company Mailing Address: ______________________________________________________

Print Name: __________________________________________________________________

Title: ________________________________________________________________________

Email Address: ________________________________________________________________

Phone Number: ________________________________________________________________

Signature: ____________________________________________________________________

Date: ________________________________________________________________________
Disadvantaged Business Enterprise (DBE) Program

Form – EOD-2 / SMALL BUSINESS OUTREACH EFFORTS
(This form is due within 30 days following the award of the contract, along with supporting documentation)

<table>
<thead>
<tr>
<th>Successful Respondent’s Name:</th>
<th>Contract Title/Number:</th>
</tr>
</thead>
</table>

Successful Respondent must conduct outreach efforts and submit documentation of those outreach efforts as described in Disadvantaged Business Enterprise (DBE) Program Race- and Gender-Neutral Contract Clause (Contract Clause). Detailed instructions for this form are included in the Contract Clause. Supporting documentation is required for Columns D and F. Successful Respondent should make additional copies of this form as needed.

<table>
<thead>
<tr>
<th>Business Name and Contact Information</th>
<th>Business Type</th>
<th>Opportunity for Small Business Participation</th>
<th>Solicitation Method</th>
<th>Was this firm selected as a participant?</th>
<th>Communication of final selection outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name:</td>
<td></td>
<td>^☐ ACDBE</td>
<td>Newspapers or Websites</td>
<td>Firm was selected</td>
<td>Firms must be notified of final selection outcome prior to submittal of this form. When was firm notified?</td>
</tr>
<tr>
<td>Address:</td>
<td></td>
<td>^☐ DBE</td>
<td>Trade and/or Professional Listing</td>
<td>Firm was selected</td>
<td>How was the selection outcome communicated to this firm?</td>
</tr>
<tr>
<td>City, State, Zip:</td>
<td>Number of Employees:</td>
<td>☐ SBC - Small Business Concern</td>
<td>Business Outreach Events</td>
<td>Firm was NOT selected</td>
<td></td>
</tr>
<tr>
<td>Phone Number:</td>
<td>E-Mail or Fax:</td>
<td>☐ SBE - City of Phoenix Certified</td>
<td>E-mail blast</td>
<td>Firm was NOT selected</td>
<td></td>
</tr>
<tr>
<td>Range of Annual Gross Receipts:</td>
<td>Number of Years in Business:</td>
<td>☐ Unknown</td>
<td>Other</td>
<td>Firm was NOT selected</td>
<td></td>
</tr>
</tbody>
</table>

| Name:                                 |               | JV Partner__%                             | Newspapers or Websites | Firm was selected | Firms must be notified of final selection outcome prior to submittal of this form. When was firm notified? |
| Address:                              |               | Supplier-Goods                            | Trade and/or Professional Listing | Firm was selected | How was the selection outcome communicated to this firm? |
| City, State, Zip:                     | Number of Employees: | Cost of Goods Sold $____________________ | Business Outreach Events | Firm was NOT selected |   |
| Phone Number:                         | E-Mail or Fax: | Description of Goods                       | E-mail blast | Firm was NOT selected |   |
| Range of Annual Gross Receipts:       | Number of Years in Business: | Description of Services                   | Other | Firm was NOT selected |   |

Successful Respondent should make additional copies of this form as needed.
Form – EOD-3
SMALL BUSINESS UTILIZATION COMMITMENT
(Due within 30 days following the award of the contract and every year on the anniversary of the contract)

On behalf of the Successful Respondent, I certify under the penalty of perjury that the information submitted herein is true and correct:

1) The firms indicated as ‘Selected’ in Form – EOD-2/Documentation of Outreach Efforts, will participate in this contract;

2) The Successful Respondent will comply with the Race- and Gender-Neutral post-award requirements as stated in the ACDBE contract clause;

3) I understand and agree that any and all changes or substitutions must be authorized by the Equal Opportunity Department prior to implementation; and

4) The following statement is true and correct:

The proposed total participation of ACDBE, DBE, SBC, and SBE firms on this contract will be:

$___

___%  

Company Name: _____________________________________________________________

Company Mailing Address: _____________________________________________________

Company Representative Name: _________________________________________________

Title: _______________________________________________________________________

Email Address: _______________________________________________________________

Phone Number: ______________________________________________________________

Signature: ___________________________________________________________________

Date: _______________________________________________________________________