



**City of Phoenix
Office of the City Engineer
Design and Construction Procurement**

**WS85509031 (WIFA)
WATER MAIN REPLACEMENT ABB: MOUNTAIN VIEW ROAD TO PEORIA AVENUE
AND 19TH AVENUE TO 15TH AVENUE**

ADDENDUM NO. 4

ISSUE DATE: MARCH 26, 2025

1. Bidders are hereby notified that the Bidding and Contract Documents for the above project, for which Bids are to be received on April 1, 2025, is amended as follows:

**BIDS WILL BE DUE: WEDNESDAY, APRIL 2, 2025, AT 2:00 P.M.
SUBMITTED INTO THE DESIGN AND CONSTRUCTION PROCUREMENT BID BOX LOCATED ON
THE 1ST FLOOR LOBBY OF THE PHOENIX CITY HALL BUILDING, 200 W. WASHINGTON STREET,
PHOENIX, ARIZONA, 85003**

**BIDS WILL BE READ: WEDNESDAY, APRIL 2, 2025, AT 2:00 P.M.
5TH FLOOR, ROOM 5 WEST
PHOENIX CITY HALL
200 W. WASHINGTON STREET
PHOENIX, AZ 85003-1611
*All times are local Phoenix time**

2. INFORMATION FOR BIDDERS – H. BID SUBMITTAL CHECKLIST is hereby deleted in its entirety and replaced with the following:

BID SUBMITTAL CHECKLIST

This checklist is provided to remind bidders of several of the required elements of the bid packages. It is not intended to be a comprehensive list of all of the contract documents. Bidders are encouraged to review all of the Bid Instructions to determine compliance therein.

- Acknowledge all addenda? (Page p.-1)
- Completed all of the Bid Proposal forms: (Pages P-1 to P-3 and P.S.-1)
- Include your Bid Bond (rated A- or better for the prior four quarters) or Guarantee Cashier's check? (page S.B.-1)
- Completed Certification with Regard to Equal Opportunity Clause for Contractor and Subcontractors (E.O.C.-1)
- Completed List of Major Subcontractors and Suppliers form? (Page L.O.S.-1)
- Completed Form EO1 – WIFA -Statement of Outreach Commitment
- Buy America Certificate (B.A.C.-1)
- No Collusion Affidavit (N.C.A.-1)

**PLEASE DO NOT SUBMIT THE ENTIRE SPECIFICATION BOOK WHEN SUBMITTING YOUR
BID. INCLUDE ONLY THE REQUIRED BIDDING DOCUMENTS.**

POST-BID SUBMITTAL CHECKLIST

The three lowest bidders must submit completed contracts documents listed below, no later than five business days after the bid opening by 5:00 p.m. The documents must be submitted to Design and Construction Procurement, 8th Floor, or can be sent by email to heather.roye@phoenix.gov (preferred).

- Complete Form EO2 – WIFA – Small Business Outreach Efforts and Bidders List
- Complete Form EO3 – WIFA – Small Business Utilization Commitment
- Completed Open-Ended Participation Plan
- Completed List of All Subcontractors and Suppliers form (L.O.S.-2)
- Bidder Disclosure Statement (pages B.D.S.-1 to 4)
- Submit Affidavit of Identify (if you are a sole proprietor) (Page A.O.I.-1)

PRIOR TO CONTRACT EXECUTION

- The contractor must provide proof of license required to perform the work.
 - Verification of Experience Modification Rate (EMR) - the awarded company will be required to provide an EMR verification letter from the insurance company prior to contract execution.
3. The Disadvantage Business Enterprise Program contract clause and Forms EO1, EO2 and EO3 are hereby deleted in their entirety and replaced with the attached Disadvantage Small Business (DSB) WIFA Program contract clause and Forms EO1 - WIFA, EO2 - WIFA and EO3 - WIFA.



Heather Roye
Contracts Specialist II
Design and Construction Procurement

NOTE: Bidders must acknowledge receipt of this Addendum by listing the number and date, where provided, on the PROPOSAL P-1.

END OF ADDENDUM



City of Phoenix

Disadvantaged Small Business (DSB) WIFA Program

DSB WIFA – Design Bid Build (DBB) Contract Clause Race & Gender-Neutral – Non-Negotiated

Phoenix has shown a historical commitment to creation and advancement of small and local businesses. The City's small business programs aim to foster economic growth of small businesses through its Disadvantaged Small Business (DSB) WIFA Program.

The City of Phoenix DSB WIFA Program is managed and administered by the City's Equal Opportunity Department, Contract Compliance Division.

SECTION I. DEFINITIONS

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

Arizona Unified Certification Program (AZUCP) means a consortium of government agencies organized to provide reciprocal DBE certification within Arizona. The official DBE database containing eligible DBE firms certified by AZUCP can be accessed at: <https://utracs.azdot.gov>.

Arizona's Unified Transportation Registration and Certification System (AZ UTRACS) is a comprehensive internet-based business directory containing certified ACDBEs, DBEs and SBCs. The directory includes detailed firm profiles that includes capabilities and geographic locations that can be accessed at: <https://utracs.azdot.gov/Search>.

The City of Phoenix Certification and Compliance System is a web-based certification and compliance system used to track and monitor DBE and Small Business Participation. The system can be accessed at: <https://phoenix.diversitycompliance.com>.

Contract means a legally binding agreement that creates obligation between a seller to furnish supplies or services (including construction and professional services) and the buyer to pay for them.

Equal Opportunity (EO) Compliance Specialist means an Equal Opportunity Department (EOD) employee responsible for DSB WIFA Program compliance with this contract.

EOD means the City of Phoenix Equal Opportunity Department.

Environmental Protection Agency (EPA) is a United States federal agency established in 1970 to protect human health and the environment, enforcing regulations based on laws passed by Congress.



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Water Infrastructure Finance Authority of Arizona (WIFA) is an independent state authority authorized to finance the construction, rehabilitation, acquisition, and improvement of water infrastructure throughout Arizona.

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 DSBs. Submitter must identify and document potential business opportunities for DSBs, describe what efforts were undertaken to solicit DSBs and participation, disclose results of negotiations with DSBs, and communicate and record Submitter's selection decisions relating to DSBs and other small business participants.

Bidders List means a list created by the submitter, consisting of information about all DSB and non-DSB firms that bid or quote on the project. The list should include the firm's name; address; firm's DSB or non-DSB status; race and gender information for the firm's majority owner; NAICS code applicable to each scope of work the firm sought to perform in its bid; number of years the firm has been in business; and the [range] annual gross receipts of the firm.

Disadvantaged Business Enterprise (DBE) means a for-profit Small Business Concern, that has at least 51% owned and controlled by individuals or individual who are socially and economically disadvantaged, that have successfully completed the DBE certification process and have been granted DBE status by the Environmental Protection Agency (EPA) pursuant to the criteria contained in 40 CFR Part 33; or a UCP member pursuant to the criteria contained in 49 CFR Part 26.

Disadvantaged Small Business (DSB) means a for-profit DBE, SBE, or Small Business Concern.

Commercially Useful Function (CUF) means that a DSB is responsible for executing the work of the contract and is carrying out its responsibilities by performing, managing, and supervising the work involved. To perform a commercially useful function, the DSB must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material, and installing (where applicable) and paying for the material itself. If a DSB 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 DSB Subcontracts a greater portion of the work of a contract than would be expected based on normal industry practice for the type of work involved, the DSB is presumed not to be performing a Commercially Useful Function.

Goods and Services Providers are firms that provide goods and services that represent a CUF as a DSB or Small Business.



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Manufacturer means a firm that owns (or leases), operates, or maintains a factory or establishment that produces on the premises the materials, supplies, articles or equipment required under the contract and of the general character described by the specifications. Manufacturing includes blending or modifying raw materials or assembling components to create the product to meet contract specifications. When a DSB makes minor modifications to the materials, supplies, articles, or equipment, the DSB is not a manufacturer.

Regular Dealer/Supplier is a firm that owns (or leases) and operates a store, warehouse, or other establishment in which the materials, supplies, articles, or equipment of the general character described by the specifications and required under the contract are bought, kept in sufficient quantities, and regularly sold or leased to the public in the usual course of business.

Broker is a firm who arrange, facilitate, or expedite transactions.

Small Business Concern (SBC) is defined by Small Business Administration regulations as a business that does not exceed the cap on average annual gross receipts specified by 13 CFR Part 121. "Small Business" and "Small Business Concern" are used interchangeably in this DSB Contract Clause.

Small Business Enterprise (SBE) means a for-profit Small Business that has been determined to meet the requirements for SBE certification with the City of Phoenix and whose certification is in force at the time of the award of business by the City. A directory of currently certified SBE firms is located at <https://phoenix.diversitycompliance.com>.

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

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

Subcontractor means a firm that holds a contract/agreement between a firm and a lower tier contractor, including a vendor under a purchase order.

Submitter means a contractor, corporation, or firm that tenders a submittal to the City to perform services requested by a solicitation or procurement. The submittal may be direct or through an authorized representative. (Submitter is inclusive of the terms: *Bidder, Offeror, Proposer, Respondent*, etc.)

Responsive Submitter means a firm that has met and submitted the solicitation requirements.

Successful Submitter means a firm that has been awarded the contract by the City to perform services or furnish supplies requested by a solicitation or procurement.



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Responsible Submitter means a firm that has been selected to continue in the procurement process by the City.

Contractor means the submitting firm that was awarded the given contract with the City, to perform the work or service as specified by the contract.

SECTION II. GENERAL REQUIREMENTS

A. **Applicable Federal Regulations**

This Contract is subject to DSB requirements issued by EPA 40 CFR Part 33; and 2 CFR, Part 200. Despite the lack of a race- and gender-conscious DSB participation goal for this Contract, the City must track and report DSB participation that occurs as a result of any procurement, goods/services, or other arrangement involving a DSB. For this reason, the Contractor must provide all relevant information to enable the required reporting.

B. **DSB Participation**

For this solicitation, the City has *not* established a race- or gender-conscious DSB participation goal. The City extends to each firm, vendor, supplier, contractor, and Subcontractor an equal economic opportunity to compete for business. The City uses race- and gender-neutral measures to facilitate participation of DSBs. As a recipient of EPA financial assistance, the City strongly *encourages* each Submitter to voluntarily subcontract with DSBs and other small businesses to perform a Commercially Useful Function (CUF) for the part of the work that the Contractor might otherwise perform with its own forces.

C. **Counting DSB Participation**

Pursuant to 40 CFR 33.201, in order for a prime contractor or subcontractor to be counted toward a financial assistance award recipient's DSB accomplishments, it must be certified.

D. **DBE Certification**

Only firms (1) certified by the EPA, AZUCP or another UCP member, and (2) contracted to perform a Commercially Useful Function (CUF) on scopes of work for which they are certified, may be considered to determine DBE participation resulting from RGN measures on this Contract.

E. **Civil Rights Assurances**

As a recipient of federal funding, the City has agreed to abide by the assurances found in 2 CFR, Part 200. Each Contract signed by the City and the Contractor, and each Subcontract signed by the Contractor and any Subcontractor, must include the following assurance *verbatim*:



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- a. "The contractor, sub recipient or Subcontractor must not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor must carry out applicable requirements of federal civil rights laws. 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 recipient deems appropriate, which may include, but is not limited to:
 - (1) Withholding monthly progress payments;
 - (2) Assessing sanctions;
 - (3) Liquidated damages; and/or
 - (4) Disqualifying the contractor from future bidding as non-responsible.
- b. The contractor, sub recipient or Subcontractor agrees to include the above statements in any subsequent agreement or contract covered by 40 CFR Part 33, that it enters and cause those businesses to similarly include the statement in further agreements."

F. Nondiscrimination/Equal Opportunity

The City will not exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 40 CFR Part 33, based on race, color, sex, or national origin.

In administering its DSB program, the City will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DSB WIFA program with respect to individuals of a particular race, color, sex, or national origin.

The City further agrees to meet the nondiscrimination requirements provided in 40 CFR Part 33 with respect to the award and performance of any agreement, contract or Subcontract.

The City will take all necessary and reasonable steps to ensure nondiscrimination in the award and administration of contracts and agreements covered under the DSB WIFA program.

G. DSB Open-Ended Participation Plan

Submitter must submit a DSB Open-Ended Participation Plan (OEPP).

OEPP must include a narrative of their commitment to use good faith efforts and provide details of the types of subcontracting work or service (with projected dollar amount) that the Submitter will solicit DSBs to perform. The OEP must include an estimated time frame/schedule in which the subcontracted work to be performed by the DSB will be accomplished.

Once the contract is awarded, the City and the Contractor may agree to make written revisions to the OEPP throughout the life of the project. The City will monitor and evaluate whether the Contractor is using good faith efforts to comply with the OEPP and the schedule. The Contractor



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must submit a revised OEPP on an annual basis and/or at the start of every GMP (as applicable) to meet the Contractor's small business utilization commitment.

H. **Required Outreach Efforts**

The City has implemented outreach requirements for this contract. Specifically, each contract must:

- (1) identify small-business-participation opportunities, including Commercially Useful Functions (CUF);
- (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 a Contractor fails to conduct these Outreach Efforts or fails to submit the required documentation of Contractor's Outreach Efforts as indicated, the City may determine that the Contractor is noncompliant.

SECTION III. PRE-AWARD SUBMITTAL REQUIREMENTS

A. **Form EO1 - WIFA – Statement of Outreach Commitment**

At the time of bid submittal, each Submitter must sign, date and submit a completed Form EO1 - WIFA Statement of Outreach Commitment, with its initial qualifications-based submittal.

B. **Form EO2 -WIFA - Small Business Outreach Efforts and Bidders List**

Within five (5) business days after bid submittal, the Submitter must complete and submit **Form EO2 – WIFA Small Business Outreach Efforts and Bidders List** documenting its diligent, earnest outreach efforts for subcontracting work, as described in this clause.

Submitter must list all DSBs, and other small businesses contacted by the Submitter. Submitter must also provide the following minimum information to document its Outreach Efforts and Bidders List in the designated columns within Form EO2 - WIFA:

1. **Column A - Small Business Name and Contact Information**

Must list each business's full legal name and contact information, including address, phone number and email and/or fax. Submitter must inquire to obtain the following: the number of years in business, its range of annual gross receipts, gender of majority owner and race of majority owner.

2. **Column B - Business Status** (DBE, SBC, SBE, Other Small Business)

Indicate the business status. Check all that apply, if known.



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- The official DBE database containing eligible DBE and SBC firms certified to do business Arizona can be accessed at: <https://utracs.azdot.gov>.
- City of Phoenix SBE Certification Directory can be accessed at: <https://phoenix.diversitycompliance.com>.
- Several resources available to the locate firms that are considered EPA DBE certified: 1. State DOT DBE Directories 2. SBA Dynamic Small Business Search

3. Column C - Scope(s) of Work Solicited

List the NAICS Cods and scope(s) of work solicited for which the small business was considered for participation in the proposal. The solicitation must include a description of the scope(s) of work being requested.

4. Column D - Solicitation Method

Indicate the solicitation method by which each small business was contacted through your outreach efforts and provide supporting documentation of such action(s). Supporting documentation must include a copy of the actual solicitation sent to DSB. The solicitation may be in the form of letters or attachments to email, phone logs, newspapers, websites, and trade papers, outreach events, etc. If using a log as supporting documentation, it must include:

- List the Solicitation Method
- Name of Submitter's Representative
- Name of Company Contacted
- Name of Person Contacted
- Company's Contact Information Used to Reach the Company (e.g. phone number, email)
- Date and Time of Contact
- Details of the Communication*

5. Column E - Selection Decision

Indicate the Submitters selection decision for each Small Business that responded to the solicitation.

- Whether or not a firm was selected.
- If not selected, provide an explanation of why the firm was not selected.
- If selected, indicate the dollar value (\$) of the award.

6. Column F - Method of Communication of Final Selection Outcome

The Submitter must notify the final selection outcome to all Small Businesses that responded. The supporting documentation for this notification may be in the form of an email, letter, or a telephone log, etc. This documentation must show the following information regarding the final selection:

- Date firm was notified of outcome
- Method used to communicate selection:



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- Email
- Phone
- Fax
- Letter
- In person

*Submitter must provide supporting documentation that shows Submitter has communicated its final selection decisions and outcomes to all DSBs and other small businesses, including those not chosen to participate in this Contract.

Every year on the anniversary of the contract execution date of the Contract, the Contractor must provide the City with an updated OEPP (see Section II. G above), detailing continued commitment fostering small Business participation and information. The annual update shall include any changes to the initial forms EO2-WIFA and EO3-WIFA.

C. Form EO3 - WIFA Disadvantaged Small Business Utilization Commitment

Within five (5) business days after bid submittal, the Submitter must complete, sign, date and submit EO3 – WIFA Small Business Utilization Commitment, which commits the Submitter to the City as follows:

1. The firms indicated as “Selected” on Form EO2 - WIFA Small Business Outreach Efforts and Bidders List, will participate in this Contract;
2. The Submitter will comply with the Race- and Gender-Neutral post-award compliance requirements as stated in the DSB contract clause;
3. Submitter understands and agrees that any and all changes or substitutions to Subcontracts with DBEs, SBEs, SBC, and other small businesses must be authorized by the EO Compliance Specialist prior to implementation; and
4. The following statement is true and correct: The proposed total participation of DBE, SBC, SBE, and other Small Businesses on this contract will be designated on Form EO3 - WIFA by the Submitter.

D. Open-Ended Participation Plan

Within five (5) business days after bid submittal, the Submitter must complete a DSB Open-Ended Participation Plan (OEPP). The OEPP must contain strategies to foster small business participation and information concerning the small businesses.

Every year on the anniversary date of the executed contract and/or at the start of every GMP (as applicable) the Contractor must provide the City with an updated OEPP detailing the Contractor’s continued commitment to utilizing DSBs. The OEPP must contain updated strategies to foster small business participation and information concerning the participation of small businesses, including any changes to the initial EO2-WIFA and EO3-WIFA.



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E. Failure to Submit Forms EO1 - WIFA, EO2 - WIFA and EO3 - WIFA

Submittals that do not have these forms completed and signed may be deemed nonresponsive. A nonresponsive submittal may be disqualified from further evaluation.

F. Failure to Meet Outreach Requirements

The EOD Compliance Specialist will determine, in writing, whether the Submitter has satisfied all outreach requirements. If the EO Compliance Specialist determines the Submitter failed to satisfy the outreach requirements, then the EO Compliance Specialist may determine the submittal is nonresponsive. A determination of non-responsiveness *disqualifies* Submitters from further consideration for the Contract award. The City must send written notice to Submitter stating the basis for the EO Compliance Specialist's decision.

G. Administrative Reconsideration

In the event that the EOD determines the Submitter failed to submit required and completed documentation to meet the DSB Outreach Requirements, an opportunity for reconsideration of this determination will be provided. This opportunity for reconsideration will seek to obtain clarification of documentation submitted with the bid.

Within seven (7) business days of being informed by the EOD that the Submitter is not responsive based on insufficient demonstration and/or incomplete documentation of Outreach Efforts, the Submitter must submit its written request for administrative reconsideration to:

**City of Phoenix Auditor or Designee
City Auditor Department
140 N. Third Avenue
Phoenix, AZ 85003
Phone: (602) 262-6641
Fax: (602) 534-1533
TTY: 7-1-1 Friendly**

If the request for Administrative Reconsideration is not submitted within the allotted seven (7) business days, the non-responsive Submitter shall not utilize the DSB WIFA Program submittal requirements as the basis for its future protest.

As part of this reconsideration process, the Submitter will have an opportunity to provide written clarification or argument concerning the issue of whether it met the Outreach Requirements or provided sufficient supporting and completed documentation of good faith efforts at the time of bid. The City Auditor or Designee will review solely the written



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clarification or argument, along with any document(s) originally submitted at the time of bid. No new or revised forms or supporting documentation will be reviewed for consideration.

The City Auditor or designee will send the Submitter a written decision on the reconsideration, explaining the basis for finding that the Submitter did or did not meet the DSB Outreach Requirements. The result of the reconsideration process is not administratively appealable and cannot be escalated or included in any other protest not related to the DSB Program.

SECTION IV. POST-AWARD GENERAL REQUIREMENTS

The City has implemented outreach efforts requirements for this Contract. Specifically, the Contractor must:

- (1) identify small-business-participation opportunities, including Commercially Useful Functions (CUF);
- (2) actively solicit proposals from DSB and other small businesses;
- (3) evaluate small-business proposals; and
- (4) communicate selection decisions to DSB and other small businesses, including each rejection of a small-business proposal.

A. Subcontracting Commitment

DSB and other small business subcontractors identified and accepted in the Small Business Outreach documents must have an executed contract in place prior to the performance of work. Executed contracts and all lower tier contracts must contain the required Civil Rights Assurances and Prompt Payment provisions.

The Contractor will submit to the EOD, through the City of Phoenix Certification and Compliance System, all executed contracts, purchase orders, subleases, agreements, and other arrangements formalizing agreements between Contractor and all Subcontractors, upon execution throughout the life of this contract.

The Contractor will not terminate any approved DSB or Small Business Subcontracts, nor will the Contractor alter the scope of work or reduce the Subcontract amount, without the EO Compliance Specialist's prior written approval. Any request to alter a DSB Subcontract must be submitted in writing to the EO Compliance Specialist before any change is made. If the Contractor fails to do so, the City may declare the Contractor in breach of contract.

B. Counting Small Business Participation

The Contractor may only count expenditures for certified DSB Subcontractors that perform a Commercially Useful Function (CUF), in the NAICS Codes in which it is certified or verified in, on the contract. A DSB performs a CUF when it is responsible for execution of the work of the contract and is carrying out its responsibilities by performing, managing, and supervising



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the work involved. To perform a CUF, the DSB must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material and installing (where applicable) and paying for material itself. A DSB Subcontractor must perform or exercise responsibility for at least 30% of the total cost of its Subcontract value with its own workforce and equipment before its participation can be counted. DSBs must manage and control the performance of its contract and not be dependent on the prime's personnel and equipment to complete its work. Scope(s) of work not covered in the DSB firm's certification description **will not** be counted as DSB participation.

C. Commercially Useful Function (CUF) & Counting of DSB Trucking/Hauling

Counting of DSB participation for Trucking/Hauling is as follows:

- The DSB must be responsible for the management and supervision of the entire trucking operation for which it is responsible on a particular contract, and there cannot be a contrived arrangement for the purpose achieving DSB participation.
- The DSB must itself own and operate at least one fully licensed, insured, and operational truck used on the contract.
- The DSB receives credit for the total value of the transportation services it provides on the contract using trucks it owns, insures, and operates using drivers it employs.
- The DSB may lease trucks from another DSB firm, including an owner-operator who is certified as a DSB. The DSB who leases trucks from another DSB receives credit for the total value of the transportation services the lessee DSB provides on the contract.
- The DSB may lease trucks without drivers from a non-DSB truck leasing company. If the DSB leases trucks from a non-DSB truck leasing company and uses its own employees as drivers, it is entitled to credit for the value of these hauling services.

D. Counting DSB Certified Manufactures, Suppliers, and Brokers:

Counting of expenditures with DSBs for materials or supplies toward DSB participation as provided in the following:

- If the materials or supplies are obtained from a **DSB manufacturer**, count 100% of the cost of the materials or supplies toward DSB participation.
- If the materials or supplies are purchased from a **DSB regular dealer (supplier)**, count 60% of the cost of the materials or supplies, including transportation, toward DSB participation.
- If materials or supplies purchased from a DSB which is neither a manufacturer nor a regular dealer, **(packager, broker, or manufacturer's rep.)** count 40% of materials or supplies (including transportation costs toward DSB participation).

If an approved DSB allows its DSB certification to expire, or the certification is revoked during the course of the Subcontract, the City will consider all work performed by the DSB under the original contract to count as DSB participation. No increased scope of work negotiated after



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expiration or revocation of the DSB's certification may be counted. Any work performed under a Contract extension granted by the City may not be counted as DSB participation. If a DSB's certification is lost while under contract with a Contractor, solely because the DSB exceeded the size standard during the performance of the contract, the DSBs performance may count toward the contract goal. If a DSB is decertified because it was acquired by or merged with a non-DSB, the continued performance of the now non-DSB may not count toward the contract goal. If this negatively impacts the Contractor's ability to meet the contract goal, in good faith, the Contractor is strongly encouraged to Subcontract with other DSBs.

E. DSB Substitutions

If the DSB was approved by the EOD, the EOD Compliance Specialist will consider whether or not the Contractor has exercised diligent and good-faith efforts to find another DSB replacement. The Contractor will notify the EO Compliance Specialist in writing of the necessity to substitute a DSB and provide specific reason(s) for the substitution or replacement. Actual substitution or replacement of a DSB may not occur before the EO Compliance Specialist's written approval has been obtained.

F. Relief from Proposed DSB and Small Business Utilization

After Contract award, the EOD will not grant relief from the proposed DSB utilization except in extraordinary circumstances. The Contractor's request to modify small Business participation must be in writing to the EO Compliance Specialist.

Contractor'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 EO Compliance Specialist should consider. The Contractor must include with the request all documentation of Contractor's attempts to Subcontract with the DSB and any other action taken to locate and solicit a replacement DSB and /or Small Business.

G. Prompt Payment of Subcontractors

The prompt payment clause must be included in every contract and Subcontract.

The Contractor must promptly pay its Subcontractors, subconsultants, subconsultants or suppliers. For projects governed by 40 CFR Part 33 and 2 CFR, Part 200 **payment must be made within five (5) calendar days** after the Contractor has received payment for scope of work completed by the Subcontractor. If the Contractor diverts any payment received for a DSB's work performed on the Contract or fails to reasonably account for the application or use of the payment, the City may declare the Contractor in breach of contract.

Under the prompt-payment provisions of 2 CFR, Part 200, the Contractor must ensure prompt and full payment of retentions to Subcontractors and suppliers. The Contractor must pay each Subcontractor's and supplier's retention no later than 30 days the satisfactorily completion of and scope of work, and after the City has paid for the scope(s) of work. If the City reduces the



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Contractor's retention, the Contractor must correspondingly reduce the retentions of Subcontractors and suppliers that have performed satisfactory work.

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

SECTION V. RECORDS & REPORTING REQUIREMENTS

A. Records

During performance of the Contract, the Contractor must keep all records necessary to document DSB participation. The Contractor must provide the records to the EOD within 72 hours of the EOD's request and at final completion of the Contract. The EOD will prescribe the form, manner, and content of reports. The required records include:

1. All bidders' information to include firm's name; address; DSB or other status; race and gender information for the firm's majority owner; NIACS code(s) applicable to each scope of work the firm sought to perform in its bid; age of the firm; and the annual gross receipt of the firm.
2. A complete listing of all Subcontractors and suppliers on the project.
3. Each Subcontractor's and supplier's scope performed.
4. The dollar value of all Subcontracting work, services, and procurement.
5. Copies of all executed Subcontracts, purchase orders, invoices, and Subcontractor receipts.
6. Total operating expenses and total costs of goods sales.
7. Copies of all payment documentation and Change Orders.

B. Reports

Contractor is required to file the following payment reports in the City of Phoenix Certification and Compliance System:

1. **Progress Payments:** By the 15th of ***each*** month, the Contractor must enter payment information and related supporting documentation into the City of Phoenix Certification and Compliance System.
 - a. The total of all payments received from the City during the previous month.
 - b. All payments made to Subcontractors during the previous month.
 - i. Supporting documentation to collaborate the payment amounts, which include but not limited to invoices and pay receipts.

The Contractor is responsible for ensuring that Subcontractors confirm receipt of payment in the City of Phoenix Certification and Compliance System by the end of each month.



City of Phoenix

Disadvantaged Small Business (DSB) WIFA Program

2. Final Payment:

Before the City processes the Contractor's final payment and/or outstanding retention held against the Contractor, the Contractor must notate in the City of Phoenix Certification and Compliance System:

- a. The payment to each Subcontractor is considered "Final".
- b. Every Subcontractor must confirm they have received full and "Final" payment in the City of Phoenix Certification and Compliance System.

For federal reporting purposes, the Certification of Final Payment must be completed and signed by the Contractor and DSB/small firm(s). The Contractor is responsible for ensuring that Subcontractors confirm the receipt of full and "Final" payment in the Phoenix Contract Compliance System.



City of Phoenix

Disadvantaged Small Business (DSB) Program - WIFA

**FORM EO1 - WIFA - STATEMENT OF OUTREACH COMMITMENT
(Due with initial submittal)**

Project Number:	Project Title:
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On behalf of the Submitter, I certify under penalty of perjury that the following information is true and correct.

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

- 1) Fulfill all required small business outreach requirements and shall submit all required outreach efforts documentation for contracting opportunities within 5 business days.
- 2) Conduct all required small business outreach and will submit all supporting documentation; and
- 3) Comply with the Race - and Gender-Neutral post-award requirements stated in the DSB WIFA Contract Clause.

Company Name: _____

Company Mailing Address: _____

Representative Name: _____

Title: _____

Email Address: _____

Phone Number: _____

Signature: _____ Date: _____

Disadvantaged Small Business (DSB) Program - WIFA
Form EO2 - WIFA - SMALL BUSINESS OUTREACH EFFORTS AND BIDDERS LIST

Name of Company (Submitter):	Contract # / Project #:	Contract Name:
Contact Person:	Phone #:	Email:

Submitter must conduct outreach efforts and submit supporting documentation of those efforts, as described in the 2 CFR Part 200, in accordance with the detailed instructions in the Contract Clauses. Successful submitter should make copies of this form as needed.
Section A, B and C must be completed for all businesses which includes ALL BIDDERS.

Sections D, E, and F are required to be completed for **all DBE, SBC, SBE** and other **Small Business firms**. Supporting documentation is required for columns D and F.

(A) Small Business Name and Contact Information	(B) Business Status	(C) Scope(s) of Work Solicited	(D) Solicitation Method	(E) Selection Decision	(F) Communication Final Selection Outcome
<div style="border-bottom: 1px solid black; padding-bottom: 5px;">Name:</div> <div style="border-bottom: 1px solid black; padding-bottom: 5px;">Address:</div> <div style="display: flex; border-bottom: 1px solid black; padding-bottom: 5px;"> <div style="flex: 2; border-right: 1px solid black; padding-right: 5px;">City, State, Zip:</div> <div style="flex: 1; padding-left: 5px;">Number of Employees:</div> </div> <div style="display: flex; border-bottom: 1px solid black; padding-bottom: 5px;"> <div style="flex: 1; border-right: 1px solid black; padding-right: 5px;">Phone Number:</div> <div style="flex: 2; padding-left: 5px;">Email or Fax:</div> </div> <div style="display: flex; border-bottom: 1px solid black; padding-bottom: 5px;"> <div style="flex: 1; border-right: 1px solid black; padding-right: 5px;">Number of Years in Business:</div> <div style="flex: 2; padding-left: 5px;">Range of Annual Gross Receipts:</div> </div> <div style="display: flex; border-bottom: 1px solid black; padding-bottom: 5px;"> <div style="flex: 1; border-right: 1px solid black; padding-right: 5px;">Gender of Majority Owner:</div> <div style="flex: 2; padding-left: 5px;">Race of Majority Owner:</div> </div>	<input type="checkbox"/> DBE <input type="checkbox"/> SBC - Small Business Concern <input type="checkbox"/> SBE - City of Phoenix Certified <div style="text-align: center;">Other Small Business</div>	NAICS Codes and Scope(s) of Work:	<input type="checkbox"/> E-mail Blast <input type="checkbox"/> Phone Call <input type="checkbox"/> In-Person <input type="checkbox"/> Newspaper <input type="checkbox"/> Website <input type="checkbox"/> Trade Listing <input type="checkbox"/> Outreach Event <input type="checkbox"/> Other	<input type="checkbox"/> Firm was selected <input type="checkbox"/> Firm was not selected Provide explanation of why firm NOT selected	<div style="border-bottom: 1px solid black; padding-bottom: 5px;">Date Firm was Notified:</div> <div style="padding-top: 10px;"> Method used to Communicate Selection: <input type="checkbox"/> Email <input type="checkbox"/> Phone <input type="checkbox"/> Fax <input type="checkbox"/> Letter <input type="checkbox"/> In person </div>
<div style="border-bottom: 1px solid black; padding-bottom: 5px;">Name:</div> <div style="border-bottom: 1px solid black; padding-bottom: 5px;">Address:</div> <div style="display: flex; border-bottom: 1px solid black; padding-bottom: 5px;"> <div style="flex: 2; border-right: 1px solid black; padding-right: 5px;">City, State, Zip:</div> <div style="flex: 1; padding-left: 5px;">Number of Employees:</div> </div> <div style="display: flex; border-bottom: 1px solid black; padding-bottom: 5px;"> <div style="flex: 1; border-right: 1px solid black; padding-right: 5px;">Phone Number:</div> <div style="flex: 2; padding-left: 5px;">Email or Fax:</div> </div> <div style="display: flex; border-bottom: 1px solid black; padding-bottom: 5px;"> <div style="flex: 1; border-right: 1px solid black; padding-right: 5px;">Number of Years in Business:</div> <div style="flex: 2; padding-left: 5px;">Range of Annual Gross Receipts:</div> </div> <div style="display: flex; border-bottom: 1px solid black; padding-bottom: 5px;"> <div style="flex: 1; border-right: 1px solid black; padding-right: 5px;">Gender of Majority Owner:</div> <div style="flex: 2; padding-left: 5px;">Race of Majority Owner:</div> </div>	<input type="checkbox"/> DBE <input type="checkbox"/> SBC - Small Business Concern <input type="checkbox"/> SBE - City of Phoenix Certified <div style="text-align: center;">Other Small Business</div>	NAICS Codes and Scope(s) of Work:	<input type="checkbox"/> E-mail Blast <input type="checkbox"/> Phone Call <input type="checkbox"/> In-Person <input type="checkbox"/> Newspaper <input type="checkbox"/> Website <input type="checkbox"/> Trade Listing <input type="checkbox"/> Outreach Event <input type="checkbox"/> Other	<input type="checkbox"/> Firm was selected <input type="checkbox"/> Firm was not selected Provide explanation of why firm NOT selected	<div style="border-bottom: 1px solid black; padding-bottom: 5px;">Date Firm was Notified:</div> <div style="padding-top: 10px;"> Method used to Communicate Selection: <input type="checkbox"/> Email <input type="checkbox"/> Phone <input type="checkbox"/> Fax <input type="checkbox"/> Letter <input type="checkbox"/> In person </div>

***Firms must be notified of final selection outcome prior to submittal of columns E & F of this form.**



City of Phoenix

Disadvantaged Small Business (DSB) Program - WIFA

FORM EO3 - WIFA - SMALL BUSINESS UTILIZATION COMMITMENT

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

1. The firms indicated as "Selected" in **Form EO2 - WIFA - Small Business Outreach Efforts**, will participate in this contract;
2. The Submitter will comply with the Race- and Gender-Neutral post-award compliance requirements as stated in the DSB contract clause;
3. Successful Submitter understands and agrees that any and all changes or substitutions to subcontracts with DBE's and Small Businesses **must** be authorized by the Phoenix EO Compliance Specialist prior to implementation; and
4. The following statement is true and correct:

The proposed total participation of firms on this contract will be:

DBE:	_____ %	SBC:	_____ %
SBE:	_____ %	Other Small:	_____ %

Company Name: _____

Company Mailing Address: _____

Representative Name: _____

Title: _____

Email Address: _____

Phone Number: _____

Signature: _____ Date: _____