



**CITY OF PHOENIX, ARIZONA  
OFFICE OF THE CITY ENGINEER  
DESIGN AND CONSTRUCTION PROCUREMENT**

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**REQUEST FOR QUALIFICATIONS**

**PHOENIX SKY HARBOR INTERNATIONAL AIRPORT  
FACILITIES AND SERVICES TONTO LOT CAMPUS PHASE I  
CONSTRUCTION MANAGER AT RISK SERVICES  
AV16000037**

**PROCUREPHX PRODUCT CATEGORY CODE 91200000  
RFx 6000001769**

# REQUEST FOR QUALIFICATIONS

The City of Phoenix is seeking a qualified Construction Manager at Risk (CMAR) to provide preconstruction services and construction services for the Phoenix Sky Harbor International Airport Facilities and Services Tonto Lot Campus Phase I project. The selected CMAR will work with the designer of record and City staff to ensure an efficient approach for the project

The project site is located between East 24th Street and East 26th Street north of Sky Harbor Boulevard at the Phoenix Sky Harbor International Airport, Phoenix, Arizona 85034. The estimated construction cost of this first phase is \$20 million.

## **SECTION I - PROJECT DESCRIPTION**

The City of Phoenix Aviation Department seeks to develop a campus for the Facilities and Services Division at Phoenix Sky Harbor International. This multi-building campus is proposed as a phased development for the Aviation Department Facilities and Services Division. The first phase includes a facility to accommodate both permanent and temporary functions as well as master plan the overall campus site, which includes but is not limited to:

- Facility – 32,000 sf
  - Warehouse / Office space for Facilities and Services Division approximately 22,400 sf
  - Office / Training / Support space for Police Canine and Bomb Squad Division of approximately 6,300 sf
  - Warehouse / Support space for Federal Aviation Administration of approximately 3,650 sf
  - Site Development to realign Tonto Road and secure perimeter fence
  - Vehicle Parking of approximately 60 spaces
- Master Plan – 16 acres
  - Multi-building campus of approximately 180,000 sf to accommodate Administration, Shops, Stores, and Fleet functions
  - Maintenance Yard of approximately 327,000 sf
  - Vehicular Parking of approximately 400 spaces

## **SECTION II – SCOPE OF WORK**

The Construction Manager at Risk will begin with the firm in an agency support role for preconstruction services. The CMAR will assume the risk of delivering the project through a Guaranteed Maximum Price (GMP) contract. The CMAR will be responsible for construction means and methods, and will be required to solicit bids from prequalified subcontractors to perform the work using the City's subcontractor selection process. The CMAR may also compete to self-perform limited amounts of work. **The GMP must be submitted in MAG or CSI format or it will not be accepted.**

A. Preconstruction phase services by the CMAR may include the following:

- Provide detailed cost estimating and knowledge of marketplace conditions
- Provide project planning and scheduling
- Provide for construction phasing and scheduling that will minimize interruption to City operations
- Provide alternate systems evaluation and constructability studies
- Advise City on ways to gain efficiencies in project delivery
- Provide long-lead procurement studies and initiate procurement of long-lead items

- Assist in the permitting processes to support project team efforts for timely submit/retrieval of permits/approvals from various agencies
- Participate with the City in a process to set a goal for local and SBE participation and implement the local and SBE process
- Protect the City's sensitivity to quality, safety, and environmental factors
- Advise City on choosing green building materials
- Collaborate with the Owner and Design Team during the design phase of the project
- Attend all project and team meetings as necessary to maintain the project objectives
- Prepare and distribute all daily, monthly and weekly reports to executives and stakeholders
- Perform all preconstruction services for design phase which may consist of multiple package(s)
- Provide preconstruction services team to deliver complete project including integrated technology specialties
- Collaborate with Owner and Design Team on project directory updates
- Coordinate work with Owner and Design Team to secure all permits and approvals from federal, state, county, and local utility authorities
- Collaborate with Owner and Design Team to validate and synchronize the scope, budget, and schedule
- Investigate and evaluate existing conditions and project constraints
- Identify Guaranteed Maximum Price (GMP) Proposal package strategy and present alternate strategies to optimize sequence of construction
- Develop and implement in-house quality control procedure for review/approval of monthly progress payments by CMAR accounting department before submitting for City review
- Validate LEED goals and incorporate Aviation Department sustainability initiatives
- Collaborate with the Owner and Design Team to meet project requirements, which include scope, budget, and schedule
- Collaborate with Design Team to prepare necessary exhibits for presentations to stakeholders including regulatory agencies
- Coordinate with Owner and Design Team on communication plan and studies to lead to solutions for decision making process
- Perform design/constructability review of design documents at milestone review period
- Respond to Stakeholder design/constructability comments from milestone reviews
- Prepare construction cost estimates for all design phases and validate milestone deliverables
- Reconcile with 3<sup>rd</sup> party construction cost estimate(s) for each design phase milestone
- Perform value engineering / cost reduction efforts to optimize project budget
- Develop and update the project schedule in collaboration with Owner and Design Team to optimize sequence of work and mitigate impact to on-going aviation operations
- Assist Design Team with efforts to identify private and public utility easements
- Perform pre-construction services to assure conformance with requirements of Title 34 Arizona Revised Statutes

B. Construction phase services by the CMAR may include:

- Construct the Facilities and Services Tonto Lot Campus
- Select subcontractors/suppliers for this project
- Prepare a GMP proposal that meets the approval of the City
- Coordinate with various City of Phoenix departments, other agencies, utility companies, etc.

- Arrange for procurement of materials and equipment
- Schedule and manage site operations
- Bid, award, and manage all construction related contracts while meeting City bid requirements including the local and SBE participation goal
- Bond and insure the construction
- Address all federal, state and local permitting requirements
- Deal with City issues
- Coordinate preparation and print production of construction documents with Design Team
- Manage process to pick-up, scan and distribute copies of the permitted construction documents to prescribed project team members
- Consult with the City to meet all project requirements
- Develop, refine, and implement subcontractor selection plan and Construction Management Plan
- Prepare time-scaled logic construction schedule, submit for City and Design Team review/comment, and update throughout project course
- Craft and issue with solicitation the subcontractor instructions to bidders
- Solicit subcontractor bid proposals, validate offers, and prepare bid tabulation for review
- Prepare and distribute GMP Proposal for City and Design Team review and approval
- Evaluate operational impacts and work with stakeholders to minimize or eliminate disruptions
- Conduct CMAR construction progress meetings and other project meetings to prosecute the work
- Develop clear and concise Requests For Information with corresponding construction documents as backup which clearly defines the nature of the request(s)
- Develop construction submittal schedule in coordination with Design Team and Stakeholders consolidate input and prepare master submittal log for project
- Provide support role relative to Design Team preparation of Construction Change Directives and Proposal Requests (PR) as needed and provide cost proposals
- Upload and archive of all project related documentation into the City's Project Management System – Unifier – which shall be used for ALL project record keeping and file transferring and sharing of record.
- Obtain required As-Built documentation to establish existing conditions and conduct field surveys, as needed
- Participate in Operational Readiness Activation and Transition meeting(s) and provide any supporting documentation, as required
- Perform reviews and provide input on sustainability evaluation criterion relative to City standards and Aviation Department goals
- Perform field inspection and prepare reports to ensure compliance with the project plans and specifications
- Prepare and submit progress payments in line with the monthly progress of the work
- Provide support role relative to the project LEED report confirming construction practices comply with contract documents and specifications.
- Provide itemized cost detail as required in support of proposed potential change notifications and change orders and submit recommendations to City
- Participate in weekly cost/credit change review meetings with City 3<sup>rd</sup> party estimators
- Prepare and submit punch list and record documents for Design Team review/approval
- Prepare Closeout submittal Log with metrics, as directed by the City, to provide comprehensive list of closeout documentation for City record archive
- Participate in the 11 ½ month warranty inspection.

- Maintain site safety personnel from preconstruction through project closeout and notify City of any unsafe conditions observed at the construction site(s)
- Provide quality controls and maintain a safe work site for all project participants
- Maintain all project records in electronic format

Use of UNIFIER, an Application Service Provider (ASP) web-based project management database, may be required. The following information provides a guideline for utilization. Any questions related to the requirements of UNIFIER should be directed to the Project Manager.

- The CMAR will be required to maintain all project records in electronic format.
- The City provides an ASP web-based project management database which the CMAR will be required to utilize in the fulfillment of the contract requirements.
- The CMAR shall provide a computerized networked office platform with broadband internet connectivity.
- UNIFIER training will be provided through the City of Phoenix to firms under contract.

### **SECTION III – SMALL BUSINESS ENTERPRISE (SBE) REQUIREMENTS**

Only firms whose physical business is located within Maricopa County are eligible to meet the SBE subcontracting goal, which will be set prior to construction of this project. The final goal will be based on SBE subcontractor availability. See Exhibit C. No documents due with this submittal.

### **SECTION IV - PRE-SUBMITTAL MEETING**

A pre-submittal meeting will be held at 10:00 a.m., Phoenix time on Friday, April 4, 2025, at Aviation Headquarters Building, Phoenix Aviation Advisory Boardroom (PAAB) Conference Room, located at 2485 E. Buckeye Road, Phoenix, Arizona **AND** via Teams. At this meeting, City staff will discuss the scope of work, general project requirements, and respond to questions from the attendees. It is strongly recommended that interested firms attend the pre-submittal meeting. Inquiries regarding the project scope outside of this pre-submittal meeting must be directed to the Contracts Specialist.

### **PRE-SUBMITTAL MEETING TEAMS INFORMATION:**

**Join from the meeting link**

**[Join the meeting now](#)**

**Join from meeting number**

Meeting number (access code): 283 901 144 363

Meeting password: ec9p2fv3

### **SECTION V - STATEMENT OF QUALIFICATIONS EVALUATION CRITERIA**

One firm will be selected through a qualifications-based selection process based on the criteria below. Subcriteria are listed in order of importance in relation to project services. City of Phoenix project experience is not required.

#### **A. General Information (50 points)**

1. Provide a general description of the firm that is proposing to provide construction management services and general construction services. Explain the legal organization of the proposed firm or team. Provide an organization chart showing key personnel.
2. Provide the following information:
  - a. List the Arizona contractor licenses held by the firm and the key personnel who will be assigned to this project. Provide the contractor license number. Reference the appropriate licenses held, if needed. In order to be considered for this project, the contractor must hold the correct license as deemed appropriate by the Arizona Registrar of Contractors prior to submitting a Statement of Qualifications (SOQ) for this project in accordance with Arizona Revised Statute §32-1151.
  - b. Identify the location of the firm's principal office and the home office location of key staff on this project.
  - c. Identify any contract or subcontract held by the firm or officers of the firm, which has been terminated within the last five years. Identify any claims arising from a contract which resulted in litigation or arbitration within the last three years. Briefly describe the circumstances and the outcomes.

#### **B. Experience and Qualifications of the Firm (50 points)**

1. Identify at least three comparable projects within the last 10 years in which the firm served as either CMAR, agency Construction Manager during design and construction phases (without providing construction services), or General Contractor. Special consideration will be given to firms that have provided Construction Manager at Risk services on similar successful projects. For each project identified, provide the following:
  - a. Description of the project and scope of services
  - b. Role of the firm (specify whether Construction Manager at Risk, Construction Manager or General Contractor. If CMAR or General Contractor, identify the percent of work self-performed. Also specify services provided during design phase, i.e. cost estimating, scheduling, value engineering, etc.)
  - c. Project's original contracted construction cost and final construction cost and reason for the variance
  - d. Project's original contracted construction date(s) and final construction date(s) and reason for the variance
  - e. Project owner
2. List of all City of Phoenix projects where the firm provided CMAR, agency construction management, or general construction services in the last 10 years, either completed or ongoing.

#### **C. Experience of Key Personnel to be Assigned to This Project (100 points)**

1. For each key person identified, list their length of time with the firm, availability for this project, 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:
  - a. Description of project
  - b. Role of the person and explain how their role relates to the services being solicited and the reason each candidate is proposed, including sub-consultants

- c. Project's original contracted construction date(s) and final construction date(s) and reason for the variance
  - d. Project's original contracted construction date(s) and final construction date(s) and reason for the variance
  - e. Project owner
2. List any proposed consultants, (including SBEs), including key staff names and the experience and qualifications of these individuals.
  3. Present an organization chart showing key personnel, current professional licenses or certifications, and assigned roles for pre-construction and construction phases of the project.
  4. Describe the Team's plan to maintain continuity of the key staff to deliver proposed services

**D. Understanding of the Project and Approach to Performing the Required Services (200 points)**

Describe your firm's understanding of the City's need for this project, taking into consideration issues and challenges of active airfield related projects. Present the team's approach to the project scope, phased schedules, and budget management throughout the duration of the project and method to interact with and accommodate multiple internal and external stakeholders.

1. Discuss the major issues your firm has identified on this project and how you intend to address those issues.
2. Attached to this Request for Qualifications is the City of Phoenix general subcontractor selection plan (see Exhibit A). Describe how you intend to implement this subcontractor selection plan including your recommendations for subcontractor trades to be selected by qualifications only vs. qualifications and bids; and discuss the benefit that your subcontractor selection plan provides to the project.
3. Describe your firm's project management approach and team organization during design and construction phase services. Describe software systems and processes used for planning, scheduling, estimating, and managing construction. Briefly describe the firm's experience on quality control, dispute resolution, and safety management.

**E. Reference Check (21 points\*)**

Use the form provided (Exhibit B) to obtain at least three references (it is preferred no more than one be a City of Phoenix project). If your firm has not completed prior projects with other agencies, you will not be penalized. It is recommended there be references outside the City of Phoenix.

\*These points are in addition to the 400 points for the SOQ.

**SECTION VI - SUBMITTAL REQUIREMENTS**

**Electronic Submittal Process:** Firms interested in this project must submit a Statement of Qualifications (SOQ) by email to the assigned Contracts Specialist Annette Perez at [annette.perez@phoenix.gov](mailto:annette.perez@phoenix.gov).

Submittal requirements are as follows:

- ☑ **Vendor Information:** All firms must 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 upon completion of processing the request. The vendor number should be included on the cover of the SOQ. Information on how to register with the City is available at:

<https://www.phoenix.gov/financesite/Pages/EProc-help.aspx>

If your firm is already registered with the City of Phoenix's ProcurePHX system, please visit <https://eprocurement.phoenix.gov/irj/portal> to login and access the electronic solicitation.

- ☑ **The product category code for this RFQ is 91200000 and the RFx number is 6000001769.**

☑ **Submittals:**

- Experience Modification Rate (EMR) – provide current rating; the awarded company will be asked to provide verification upon contract execution.
- Submittals must be emailed to the assigned Contracts Specialist by the submittal due date and time.
- Submit only one SOQ electronically, in .PDF format only, addressing all evaluation criteria. No hard copies will be accepted.
- Clearly display the firm legal name, vendor number, project title, and project number on the cover of the SOQ.
- A maximum of **20 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 information sheet.)***
- Submit the Statement of Qualifications by **12:00 noon, local time, on Friday, April 18, 2025.**
- Page size must meet requirements of 8½" x 11"
- Font size must not be less than 10 point
- Content count:
  - ✓ 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, information sheet, 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.

- ☑ **Information Sheet:** Provide an information sheet that includes project title, project number, RFx number, legal firm name (not a trade name), address, phone number, vendor number, and the name, title, email address and signature of your contact person for the project. Do not include any additional information.



- ☑ **Evaluation Criteria:** Address the SOQ evaluation criteria.
- ☑ **Bonding Statement:** **As a separate PDF attachment, include a statement of the firm’s bonding capacity from a Surety Company (A- or better for the prior four quarters) along with your SOQ submittal. (This bond statement will not be counted towards the maximum number of pages).**
- ☑ **Additional Content:** Resumes and other information may be included (*content shall be included within the permitted maximum page limit*).

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

**GROUND FOR DISQUALIFICATION:**

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

- Submitting a Statement of Qualifications to the assigned Contracts Specialist after the due date and time.
- Submitting a Statement of Qualifications to the assigned Contracts Specialist for a different project.
- Violating the “Contact with City Employees” policy contained in this RFQ.
- Failure to provide bonding statement.

**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.

Finalists from the SOQ evaluation will be invited to participate in detailed interviews. An invitation letter to each finalist will provide the evaluation criteria to be used during the interview presentation. Interview evaluations to select the highest qualified firm include scores from the SOQ evaluation process. The City may conduct a due diligence review on the firm receiving the highest evaluation.

The following tentative schedule has been prepared for this project. Firms interested in this project must be available on the interview date specified below. The Pre-submittal meeting is not mandatory.

Pre-submittal Meeting	April 4, 2025
SOQs Due	April 18, 2025
Firms Notified for Interview	May 2, 2025
Interviews	May 16, 2025
Selection Notification	End of May 2025
Scope Meeting	June 2025

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

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.

Firms on the short list for interviews for this project will be notified directly by the City. Notification to all other firms on the status of a short list for this project will be posted on the City of Phoenix's "Tabulations, Awards, and Recommendations" website:

<http://solicitations.phoenix.gov/awards>

The 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 City of Phoenix's "Tabulations, Awards, and Recommendations" website:

<http://solicitations.phoenix.gov/awards>

The selected Contractor should expect to comply with the Arizona State Statutes Title 34 and City of Phoenix Design and Construction Procurement's contract provisions.

### **SECTION VIII - 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. Design and Construction Procurement coordinates the citywide consulting and construction contracting procurement processes.

**Changes to Request for Qualifications.** *Any changes to this Request for Qualifications will be in the form of a notification.* The City of Phoenix shall not be held responsible for any oral instructions. Notifications are available on both the Solicitations and ProcurePHX webpage.

***It shall be the responsibility of the registered RFQ holder to determine, prior to the submittal of the Statement of Qualifications, if notifications have been issued.*** Registered RFQ holders may refer to the webpage or call the Contract Specialist (listed below) in order to ascertain if a Notification has 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 TTY 711. Requests will only be honored if made within the first week of the advertising period.

**Release of Project Information/Public Records Request.** 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. To submit a Public Records Request, visit [phoenix.gov/prr](http://phoenix.gov/prr).

**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 procurement officer) 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 procurement officer 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 twenty-four (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.

**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 2-187 to 2-190.4, 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/>

A copy of the Protest Policy is also available online at:

<https://www.phoenix.gov/streets/procurement-opportunities>

**Questions.** Questions pertaining to this selection process or contract issues should be directed to the Contract Specialist, Annette Perez at (602) 273-3488 or email [annette.perez@phoenix.gov](mailto:annette.perez@phoenix.gov).

**EXHIBIT A**  
**CITY OF PHOENIX SUBCONTRACTOR SELECTION PLAN**  
**(EXCERPT FROM CMAR CONTRACT)**

**MAJOR SUBCONTRACTOR AND MAJOR SUPPLIER SELECTIONS**

The selection of major Subcontractors and Suppliers may occur before Construction Services. Major Subcontractors and Suppliers may be selected based on qualifications alone or a combination of qualifications and price. Subcontractors must not be selected based on price alone. The selection of major Subcontractors and Suppliers is the Contractor's responsibility. In any case, the Contractor is solely responsible for the performance of all selected Subcontractors and Suppliers.

The Contractor must prepare a Subcontractor and Supplier selection plan and submit the plan to the City for approval. This selection plan must identify trades that may be selected by qualifications only and trades that to be selected by qualifications and competitive bid. This plan must also identify all Subcontractors that are not selected through a formalized qualifications-based selection process. The Subcontractor and Supplier selection plan must be consistent with the selection requirements included in this Contract.

Selection by qualifications only - the City may approve the selection of a Subcontractor(s) or Suppliers(s) based only on their qualifications when the Contractor can demonstrate it is in the best interest of the Project.

Qualification-based selection of a Subcontractor(s) or Supplier(s) should only occur during the design phase to achieve maximum benefit of Subcontractor's involvement before submitting a GMP Proposal.

The Contractor must follow the approved Subcontractor selection plan when evaluating qualifications of Subcontractor(s) or Supplier(s), and the Contractor must provide the City with its review and recommendation.

The Contractor must receive City approval of the selected Subcontractor(s) and Supplier(s).

The Contractor must negotiate costs for services/supplies from each Subcontractor and Supplier selected under this method.

Selection by qualifications and competitive bid - the Contractor must follow the Subcontractor selection plan when evaluating qualifications of a Subcontractor or Supplier, and the Contractor must provide the City with its process to prequalify prospective Subcontractors and Suppliers. During Construction Services, all Work for major Subcontractors and Suppliers must then be competitively bid unless a Subcontractor or Supplier was selected by qualifications only.

**EXHIBIT B**  
**CONTRACTOR REFERENCE CHECK INSTRUCTIONS, FORM, AND SAMPLE LETTER**

The attached Contractor Performance Evaluation Form is to be provided to the agencies or entities for which your firm has recently provided services similar to those requested for this project. Provide the evaluation form to the Owner, or the Owner's representative directly responsible for oversight of the project to complete and submit to the email box listed below.

The first three references submitted will be accepted and the scores utilized as part of the evaluation process. Each reference check is worth up to 7 points for a total of up to 21 points available.

The form is to be completed by the agency or entity and uploaded to the (email box) at:

[soq.referencechecks@phoenix.gov](mailto:soq.referencechecks@phoenix.gov)

The procurement identifier is:

**6000001769**

**Attention: Annette Perez**

Also attached is a sample performance evaluation cover letter that may be used when sending the reference check request.

## Sample Contractor Performance Evaluation Cover Letter

Sample Cover Letter  
Contact Name  
Address of Reference

(Your Name) is responding to a Request for Qualifications (RFQ) from the City of Phoenix Office of the City Engineer's Design and Construction Procurement section.

The City is requesting reference information related to our past performance. As a part of the response submittal process, the City is requesting performance evaluations from agencies that our firm has performed services for either in the past or is currently receiving services.

I would appreciate your cooperation in completing the attached Contractor Performance Evaluation form and return by email the completed form by **12:00 pm Phoenix time on April 18, 2025** to:

[soq.referencechecks@phoenix.gov](mailto:soq.referencechecks@phoenix.gov)

**Reference in Subject Line: RFX 6000001769**

For questions, contact Annette Perez, Contracts Specialist at 602-273-3488 or via email [annette.perez@phoenix.gov](mailto:annette.perez@phoenix.gov).

Failure to submit the Contractor Performance Evaluation form by the above date will have a negative impact on the proposal we submit for this service. Your cooperation in submitting this form by this date is appreciated.

If you have any questions regarding this request, please contact (your name) at (your telephone number).

Sincerely,

## INSTRUCTIONS FOR COMPLETING CONTRACTOR PERFORMANCE EVALUATION

Evaluate the contractor's contract performance in each of the rating areas listed below. On the Contractor Performance Evaluation form, circle the rating from 1 to 4 that most closely matches your evaluation of the contractor's performance. Comments are not required but appreciated. **Every rating area must be scored.**

The Design and Construction Procurement section will use the information from this form to evaluate firms competing for contract award. **This completed form will become public record and upon request, will be released to the contractor or any other entity.**

Please submit the completed form to the address indicated on the bottom of the Contractor Performance Evaluation form. Thank you for your time and your cooperation.

**PHOENIX SKY HARBOR INTERNATIONAL AIRPORT  
 FACILITIES AND SERVICES TONTO LOT CAMPUS PHASE I  
 CONSTRUCTION MANAGER AT RISK SERVICES  
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**CONTRACTOR PERFORMANCE EVALUATION FOR \_\_\_\_\_**  
 (firm name)

In the box below, provide the project title, contracted services provided by the firm, and start and completion dates of services. This form is to be completed by the Owner, or the Owner's representative directly responsible for oversight of the project. The project services evaluated must be relevant to the services of this project. Every rating area must be scored.

**RATINGS:** Summarize the Contractor's performance and **circle the number** below that corresponds to the performance rating for each category. Please see the rating scale. Please do not use N/A for scoring.

1 = Unsatisfactory (.25 pt.); 2 = Poor (.50 pt.); 3 = Good (.75 pt.); 4 = Excellent (1.0 pt.)

HOW WOULD YOU RANK THE BUSINESS RELATIONSHIP BETWEEN THE OWNER AND THE FIRM?	4 3 2 1	Comments:
WAS THE TEAM PRESENTED IN THE PROPOSAL THE TEAM THAT WORKED ON THE PROJECT TO COMPLETION?	4 3 2 1	Comments:
WAS STAFF PROACTIVE IN SOLVING PROBLEMS THAT MAY HAVE OCCURRED ON THE PROJECT?	4 3 2 1	Comments:
WAS THE CONTRACTED SCOPE OF SERVICES COMPLETED ON TIME AND WITHIN BUDGET?	4 3 2 1	Comments:
HOW WOULD YOU RATE THE QUALITY OF WORK PERFORMED BY THIS FIRM ON YOUR PROJECT?	4 3 2 1	Comments:



DID THE FIRM RECOMMEND EFFICIENCIES OR PROVIDE INNOVATIVE IDEAS OR SUGGESTIONS?	4 3 2 1	Comments:
WOULD YOU BE WILLING TO CONTRACT WITH THIS FIRM AGAIN? (YES = 1 point)	YES  NO	Comments:
TOTAL SCORE		(MAXIMUM 7 POINTS)

Reference Evaluation Provided By:

Name and Title: \_\_\_\_\_

Agency/Organization: \_\_\_\_\_

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

Telephone Number: \_\_\_\_\_

***Email completed form by April 18, 2025 by 12:00 pm Phoenix time to:***

[soq.referencechecks@phoenix.gov](mailto:soq.referencechecks@phoenix.gov)

**\*EMAIL SUBJECT LINE SHOULD REFERENCE RFx 6000001769**

The document should reference the project number and firm for which the reference check is being submitted. If no project number is available, reference the service and firm for which the reference check is being submitted.

**EXHIBIT C – SMALL BUSINESS ENTERPRISE REQUIREMENTS**

**(ATTACHED)**



**City of Phoenix**  
**Small Business Enterprise Program**

**SBE – CMAR CONTRACT CLAUSE**

**PROJECT #:** AV16000037

**CONTRACT #:**

**PROJECT TITLE: PHOENIX SKY HARBOR INTERNATIONAL AIRPORT FACILITIES AND SERVICES TONTO LOT CAMPUS PHASE I CONSTRUCTION MANAGER AT RISK SERVICES**

**SBE PROGRAM DEFINITIONS**

**Broker, Packager, Manufacturers' Representative, or Jobber** means a firm that is not a manufacturer or regular dealer as defined herein.

**Commercially Useful Function (CUF)** means that an SBE firm is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. An SBE must perform at least 75% of the total cost of its contract with its own work force in order to be determined to be performing a CUF on the contract.

**Contract** is a written agreement obligating the seller or business enterprise to furnish goods or services as submitted and the Purchaser or Buyer to pay for such goods or services.

**Contractor** is an individual, partnership, joint venture, corporation or firm that executes a contract with the City to perform services requested by a solicitation or procurement. The Contractor may be direct or through an authorized representative.

**Joint Venture (JV)** is 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, assets and labor of the participants must be combined in an effort to accrue profit.

**Manufacturer** means a firm that operates or maintains a factory or establishment that produces, on the premises, the materials, supplies, articles, or equipment required under the contract.

**Purchaser** for purposes of this contract means the City.

**Regular Dealer or Supplier** means a business that owns, operates, or maintains a store, warehouse, or other establishment in which the materials, supplies, articles or equipment of the general character described by the specifications are bought, kept in stock, and regularly sold or leased to the public in the usual course of business. The firm must be an established, regular business that engages, as its principal business and under its own name, in the purchase and sale or lease of the products in question.

**Small Business Enterprise (SBE)** means a 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 firm is located at <https://phoenix.diversitycompliance.com>.

**Subcontract** is a contract at any tier below the prime contract, including purchase orders.

**Subcontractor** is an individual, partnership, joint venture, corporation or firm that holds a contract at any tier below the prime contract, including purchase orders.

**Successful Submitter** is a Submitter who has been selected to perform services requested by a solicitation or procurement.



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**SECTION I. SBE CERTIFIED FIRMS**

Only firms certified by the City of Phoenix under Chapter 18, Article VIII of the Phoenix city code are eligible to fulfill the participation goal stated above. A firm's ***certification must be in the trade areas listed on the proposed utilization form and current and in force at the date and time of the bid opening deadline.***

The most current electronic directory of all certified **SBE** firms can be accessed at:  
<https://phoenix.diversitycompliance.com>

If you need to verify certification status, please contact the Equal Opportunity Department at (602) 262-6790 and identify yourself as a prime contractor. Prime contractors should verify that the certifications of the SBE firms are current prior to each GMP proposal. ***If a firm's certification expires and is not renewed prior to the firms starting work, that firm will be ineligible to satisfy the goal.***

**SECTION II. SBE SUBMITTAL REQUIREMENTS**

***As a matter of compliance:***

**Successful Submitter must submit the following as part of each GMP submittal:**

1. **A Contractor's Statement of Proposed SBE Utilization** - The form shall document the name of each SBE firm that will be awarded a subcontract; services to be performed by each subcontractor; dollar amount to be paid for those services; and the total dollar amount that is being proposed in SBE participation.
2. **A Letter of Intent to Perform as a SBE Subcontractor/Supplier** (required for each SBE subcontractor/supplier proposed) – With the exception of the last two columns in Part B Section 1 and the Total Amount indicated in Part E of the LOI, the form shall be completed by the SBE firm that will be awarded the subcontract. The form documents services to be performed by the subcontractor/supplier and the total dollar amount of the subcontract that will be awarded to the SBE. Only the services performed in the area(s) described by the SBE's certification description can be counted towards the SBE goal requirement.

The proposed utilization of SBE firms to fulfill the participation goal must be submitted on the "Contractor's Statement of Proposed SBE Utilization" form included in the specification packet. Additionally, each of the **SBE** subcontractors/suppliers the contractor is proposing to use to meet the goal requirement on this contract must complete the "Letter of Intent to Perform as an SBE Subcontractor/Supplier" form. Both forms must be completed and submitted as part of each GMP Proposal.

In instances where an exact dollar amount to be subcontracted with a SBE firm cannot be determined, the contractor shall indicate on Columns 3 and 4 of Part B Section 1 of the "Letter of Intent To Perform as a SBE Subcontractor/Supplier" form the minimum guaranteed hours/units and dollar amount that will be paid to the SBE firm. This situation applies only when the contractor proposes to utilize an SBE firm that engages in work related to a broker, supplier or; a bid that is based on a per hour charge as in hauling/trucking or construction site security. Please note that this exception does not permit the contractor to complete or modify any other part of the LOI document. Both, the SBE and the contractor must sign the LOI document prior to bid submittal. By signing the document, the bidder affirms that it has not altered or modified the document in any way other than, if applicable, entering the Unit/Hours and Total Quote Amount in Part B SECTION 1.



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If the contractor proposes to utilize a firm not certified by the City of Phoenix and/or not certified in the proposed scope of work at the time of bid, the proposed utilization amount for that firm will be deducted

from the total proposed SBE utilization amount and shall not be counted toward the SBE contract goal requirements. Contractor shall not include any amount the SBE firm has indicated in the LOI document as work it will sublet or is not covered in their certification description in the Contractor's Statement of Proposed SBE Utilization form. Only amounts associated with the work to be performed by the SBE, and indicated in the SBE's certification description, may be counted towards the SBE participation goal requirement of this section.

**A certified SBE firm bidding as a Prime Contractor cannot count the work it will self-perform towards meeting the required SBE subcontracting goal.**

**SECTION III. IF THE CONTRACTOR IS UNABLE TO MEET THE GOAL**

1. **Contractor will be required to submit a fully documented waiver request** detailing why contractor was unable to meet the SBE utilization goal in whole, or in part, and the **"good faith efforts"** it made to obtain SBE participation for each GMP submittal. In order to be viewed as good faith efforts, the contractor's activities must be consistent with all activities that could reasonably be expected from a contractor who was actively and aggressively seeking to meet the SBE goal. To show proof of having exercised good faith efforts in trying to obtain bids from SBE firms to meet the utilization goals. The following factors are illustrative of those matters that shall be considered when judging whether the bidder made "good faith efforts".
  - a. A cover letter addressed to the Street Transportation Procurement Section clearly indicating whether a full or partial waiver is being requested, the percentage to be waived, and the reasons the waiver is being sought.
  - b. If a partial waiver is being requested, a Bidder's Statement of Proposed Utilization listing firms that will satisfy the portion of the goal that will be met must be included with the bid proposal. Additionally, a Letter of Intent to Perform as a Subcontractor/Supplier from each SBE firm that is proposed to be utilized must be included with the bid proposal.
  - c. Proof of contact with SBE firms, including but not limited to, fax logs, telephone logs, mail receipts, etc, including documentation of the number of times that firms were contacted, the dates of contact, and the name, phone number, fax number, and address of the contact person associated with each SBE firm. Solicitation of SBE subcontractors must be consistent with the solicitation of all subcontractors and must clearly demonstrate that SBE firms had sufficient time to submit an effective response.
  - d. Copies of the documents submitted to all subcontractors requesting their bid. This should include the scope of work to be bid and performed on the project.
  - e. Copies of bid responses/quotes from all subcontractors who bid to perform work on the project in the areas that SBE firms were also bidding on, including information as to why SBE bids were not considered.
  - f. Documentation that shows efforts made to provide assistance to SBE firms in the areas of bonding, insurance, or other contracting requirements.
  - g. Documentation of attendance at the pre-bid conference held for the project.



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- h. Documentation of contact made with City personnel seeking assistance in identifying eligible SBE firms for contracting opportunities on the project.

**SECTION IV. LIMITATION OF THE USE OF SUPPLIERS & BROKERS TO FULFILL THE SBE GOAL**

Proposed expenditures to brokers and suppliers can be used to meet the utilization goal, provided that the combined applicable expenditures do not exceed 25 percent (25%) of the total SBE goal requirement. Contractors may count one hundred percent (100%) of the dollars proposed to be paid to an SBE supplier, and all costs associated with fees and commission to be paid to a SBE broker, up to the 25% limitation.

**Supplier (or Wholesaler)** is defined as firm that does not directly manufacture the product being supplied and has an established, regular business that engages, as its principal business and under its own name, in the purchase and sale or lease of the products in question. A supplier is a firm that owns, operates, or maintains 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 stock, and regularly sold or leased to the public in the usual course of business.

*EXAMPLE: An SBE goal of 5% has been established on a project where the contractor has submitted a base bid of \$1,000,000. This results in a dollar goal of \$50,000 to be subcontracted to SBEs. The contractor proposes to contract with an SBE supplier for \$100,000. Only \$12,500, or 25 percent (25%), may be counted towards achievement of the SBE goal for this project. The remaining \$37,500 must be achieved through the use of firms that are not suppliers or brokers.*

**Broker** is defined as firm that arranges or expedites services or transactions through the use of individuals not directly employed by the company. Brokers are not regular suppliers. Only costs associated with the fees and commission paid to the certified firm for providing such services may be applied towards the SBE contract goal.

The following defines the expenditures to SBE firms that are NOT subject to the 25% limitation. The following expenditures may be counted in their entirety towards fulfilling 100% of the utilization goal:

1. Expenditures to certified SBE firms that operate and maintain an establishment or factory to produce, on the premises, the materials or supplies purchased for the contract.
2. Expenditures to a certified SBE fabricator that operates and maintains a factory to substantially alter materials or supplies before resale.
3. Expenditures, including fees and commissions, charged to provide bona fide technical and professional personnel recruitment for the contract. The total cost paid that shall be comparable to the industry standards customarily charged for the same or similar services.
4. Expenditures, including fees and commissions, charged for providing bonds and insurance specifically required for the performance of the contract. The total cost shall be comparable to the industry standards charged for the same or similar services.

All SBE firms proposed to participate on this contract opportunity must be SBE certified by the City of Phoenix prior to the date and time of each GMP.



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Participation on the contract will be calculated based on that portion (dollar value) of the contract that the SBE actually performs with its own forces. This includes the cost of supplies and materials obtained by the SBE for the work on the contract, **except** in cases when; it has been determined by the City *not* to be part of the firm's certification description; the SBE is certified as a "placer", "finisher", or "installer" of those materials only, or when the supplies and/or equipment it uses to perform its work is purchased or leased from the Contractor or its affiliate.

**Fees & Commissions:** SBE firms that supply a bona fide service for a fee or commission may be counted only to the extent of the fees or commissions charged by the SBE. This includes, but is not limited to, providing professional, technical, consultant, or managerial services, and bonds or insurance specifically required for the performance of a contract. The fees must be reasonable and not excessive as compared with fees customarily allowed for similar services.

***Example:** An SBE firm that supplies uniformed officers for security or traffic control may count only the amounts charged as a commission. The hourly amount paid to the officers may not be counted. If the "per hour" bid amount to the prime contractor is \$35, and \$25 per hour will be paid to the officers, only \$10 per hour can be counted towards achieving the SBE goal. If the firm or bidder estimates that there will be 200 hours of work bid at a rate of \$35 per hour, only \$2,000 of the total \$7,000 bid could be counted.*

**Trucking & Hauling:** The amount of a trucking/hauling subcontract that may be counted towards the utilization requirements may be limited.

An SBE must itself own and operate at least one fully licensed, insured, and operational truck that will be used on the contract. In addition, trucks the SBE leases without drivers under a long-term leasing agreement may be considered part of the trucking firm's workforce and counted in full, provided the leasing agreement(s) is/are for a period of not less than 6 months and; **the leased vehicles have been recorded with the City's Equal Opportunity Department's Certification Office prior to the submittal of the LOI document.**

***Example:** A SBE trucking firm uses seven trucks on a job; two are owned by the SBE and five are leased from other firms. If two of the five trucks are leased without drivers and the remaining three are leased with drivers from another firm, then the amount paid to the SBE for the services provided by the trucks it owns and the two it leases without drivers and operates with its own employees can be counted in full towards meeting the SBE requirements. The Contractor may not count any portion of the amount the SBE receives for the two trucks it leases with drivers towards the SBE utilization goal.*

**SECTION V. POST AWARD SBE COMPLIANCE INFORMATION - CMAR**

Acceptance of the GMP proposal shall constitute an agreement by the contractor to comply with the SBE utilization requirements of this section. This includes, but is not limited to, the following compliance activities:

1. The contractor shall contract, or attempt to contract, in good faith with all SBE firms listed on the Contractor's Statement of Proposed SBE Utilization form submitted with the GMP Proposal. The subcontract shall be for an amount that is equal to, or greater than, the total proposed dollar amount listed on the form, with the exception of instances where the City changes a scope of work in the contract that would reduce the available work in the subcontractor's area of performance.



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2. The contractor shall not reduce any of the proposed SBE scopes of work or amounts indicated on the Contractor's Statement of Proposed SBE Utilization form without first submitting a Request for Exemption and receiving approval in writing from the City's Equal Opportunity Department (EOD), Contract Compliance section.
3. The contractor shall notify the City of Phoenix Equal Opportunity Department immediately if any firm listed on the Contractor's Statement of Proposed SBE Utilization form refuses to enter into a subcontract or fails to perform according to the requirements of the subcontract.
4. Any reduction of retention by the City to the contractor shall result in a corresponding reduction to subcontractors or suppliers who have performed satisfactory work. The contractor has 14 days from the date their retention reduction takes effect to reduce retention to the subcontractors.
5. The contractor shall return all retention monies to subcontractors at such time as the work originally proposed by the subcontractor, and expressed in the original subcontract agreement, is complete and the purchaser (City) has accepted the work and paid the prime for the work performed by the subcontractor. Retention shall be paid no later than 30 days after such payment is made by the City.
6. The contractor shall act in good faith to meet or exceed the contract SBE utilization goal requirement on each GMP and provide all necessary documentation to show proof of those efforts as requested by the City. Approval of a partial SBE Goal waiver for a specified GMP does not automatically release contractor from its obligation to meet or exceed the overall SBE goal requirement established for this contract.

If for any reason the SBE firm is decertified prior to the execution of a subcontract agreement, the contractor shall find additional SBE participation in the amount equivalent to or greater than that which was originally proposed for the SBE firm. Contractor shall make every good faith effort possible in finding a SBE replacement in the proposed trade area first, before considering SBE participation in other trade areas.

**SECTION VI. Subcontract Assurances**

Each contract signed by the Agency and the Successful Bidder and each subcontract signed by the Successful Bidder with a Subcontractor, including Subcontractors with lower tier Subcontractors must include the following assurances verbatim:

**Prompt Payment of Subcontractors**

*The Contractor and Subcontractor shall promptly pay its lower tier subcontractors, sub consultants, or suppliers upon receipt of payment from the City of Phoenix (Agency).*

*Progress Payments: In accordance with the Arizona Revised Statutes (ARS), Section 34-221(G), the Contractor(s) shall promptly pay its subcontractors, sub consultants, or suppliers within seven (7) calendar days of receipt of each progress payment from the Agency. Any diversion by the Contractor(s) of payments received for work performed on the contract, or failure to reasonably account for the application or use of such payments, constitutes grounds for a declaration of breach of the contract with the Agency.*

*Retention Payments: If the Agency reduces the Contractor's retention, the Contractor shall correspondingly, within 14 days, reduce the retentions held against the Subcontractors and suppliers that have performed satisfactory work.*





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*Release of Retention: The Contractor(s) shall ensure prompt and full payment of retentions to Subcontractors and suppliers when their work is complete, the Agency has accepted the work, and the Agency has paid the Contractor for the work. The Contractor shall pay each Subcontractor's and supplier's retention no later than 30 days after the Agency pays Contractor for the completed scope of work.*

**Changes to Subcontracts and Values**

*The City of Phoenix prohibits Contractor(s) from altering the Contractor's Statement of Proposed SBE Utilization form without receiving prior, written consent from the City. The Equal Opportunity Department must be informed, in writing, and in advance of the following:*

- *Reduction to the scope of work performed by subcontractors working on the contract*
- *Changes in any of the subcontract values resulting in a reduced dollar amount*
- *Replacement and/or release of any subcontractor after contract award*

*Contractor(s) and Subcontractor(s) are required to complete a Request for Exemption Form and have the written approval of the Contract Compliance Office prior to taking action on any of the above listed matters related to SBE subcontractors.*

*In the event that any provision of this subcontract varies from the provisions of the contract or subcontract, the provisions for SBE contract compliance as contained in Administrative Regulation 1.89, Section IX, shall provide definitive guidance.*

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

**SECTION VII. RECORDS and REPORTING REQUIREMENTS**

1. **Records**

During performance of the Contract, the Successful Submitter shall keep all records necessary to document the participation of all Subcontractors and Suppliers. 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:

- a) A complete listing of all Subcontractors and suppliers on the project;
- b) Each Subcontractor's and supplier's scope performed;
- c) The dollar value of all subcontracting work, services, and procurement;
- d) Copies of all executed Subcontracts, purchase orders, and invoices; and
- e) Copies of all payment documentation.

2. **Reports**

- a. The contractor shall participate in all compliance reviews determined necessary by the City. This includes, but is not limited to participating in on-site reviews, providing monthly utilization reports of SBE activity, providing signed copies of subcontracts and/or purchase orders with each SBE listed on the Bidder's Statement of Proposed SBE Utilization form, and complying with any and all requests for information the City deems appropriate for effectively monitoring this contract for compliance with the SBE Program requirements.



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- b. The contractor shall provide regular, monthly report/audit information that will assist us in effectively monitoring your compliance with the SBE Program requirements. This shall include listing all subcontractors working on the contract and reporting payments into the Certification and Compliance System <https://phoenix.diversitycompliance.com>. Reporting audits shall include all payments received from the City and payments you have issued to all subcontractors and suppliers. **All Monthly audit reports are to be completed online by the 15<sup>th</sup> of every month.** (<https://phoenix.diversitycompliance.com>).
- i. The total of all payments received from the City during the previous month.
  - ii. The first two pages of each payment application submitted for those payments.
  - iii. All payments made to Subcontractors during the previous month.

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.

#### **SECTION VIII. PERFORMANCE OF A COMMERCIALY USEFUL FUNCTION**

The prime contractor may count only expenditures to SBE subcontractors that perform a commercially useful function in the work of the contract, as defined in Chapter 18 Article VI of the City Code. A "commercially useful function" constitutes performing real and actual services related to the contract.

SBE subcontractors may enter into second-tier subcontracts consistent with normal industry practices. If an SBE subcontracts greater than twenty-five **(25)** percent of the work of their contract, the SBE subcontractor shall be presumed not to be performing a commercially useful function. In this event, the prime contractor will not be allowed to claim any expenditure to the SBE subcontractor.

#### **SECTION IX. FAILURE TO COMPLY WITH THE SBE PROGRAM REQUIREMENTS**

If the Equal Opportunity Department determines that the contractor will fail, or has failed to meet the SBE subcontracting goals, and/or has failed to act in good faith to ensure compliance with the SBE conditions of its contract; it shall deem the contractor "noncompliant" and not in good standing. A noncompliant status shall result in the rejection of all future contract bids or offers for all projects or other procurements with the City until such time that the contractor has cured its breaches and demonstrates that it has faithfully performed its approved SBE utilization plan and all other provisions of this article required to be deemed in good standing. In addition to this action, the City may also exercise its option to impose any or all of the following remedies:

1. Withholding from the contractor ten percent (10%) of all future payments on the involved eligible project until it is determined that the contractor is in compliance.
2. Withholding from the contractor all future payments on the involved project until it is determined that the contractor is in compliance.

Failure to cure a non-compliance status within the time frame provided by the City may result in further action, including but not limited to imposing any or all of the following sanctions:

1. Rejection of all future bids or offers from the contractor for any eligible project with the City or any of its departments or divisions for a period of (1) year after substantial completion of the contract.
2. Cancellation of the contract.



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**CONTRACTOR'S STATEMENT OF PROPOSED SBE UTILIZATION – Construction Manager at Risk (CMAR)**

TO BE SUBMITTED WITH EACH GMP PROPOSAL

Project #: <u>AV16000037</u> Contract #: _____ GMP #: _____		<b>Required SBE Goal</b>	
Project Description: <u>PSHIA Facilities &amp; Services Tonto Lot Campus Phase I CMAR</u>		_____ %	
GMP Amount: \$ _____			
COMPANY NAME	Scope of Work to be Performed	Supplier (may not satisfy more than 25% of goal)	Sub-Contract \$ Amount
		<input type="checkbox"/> YES <input type="checkbox"/> NO	
		<input type="checkbox"/> YES <input type="checkbox"/> NO	
		<input type="checkbox"/> YES <input type="checkbox"/> NO	
		<input type="checkbox"/> YES <input type="checkbox"/> NO	
		<input type="checkbox"/> YES <input type="checkbox"/> NO	
		<input type="checkbox"/> YES <input type="checkbox"/> NO	
		<input type="checkbox"/> YES <input type="checkbox"/> NO	
		<b>% of Contract =</b>	<b>%</b>
		<b>Total SBE \$</b>	
		<b>\$</b>	

Please list the SBE firms that will be utilized to meet the required goal. Use a separate form for each GMP that is part of the overall contract. **SBE firms must be certified with the City of Phoenix at the proposal date or their subcontract amount will NOT be counted toward the goal.** A copy of the "Letter of Intent to Perform as a Subcontractor/Supplier" for each firm listed must be attached.

**COMPANY NAME:** \_\_\_\_\_ **EMAIL:** \_\_\_\_\_ **PHONE:** \_\_\_\_\_

**NAME & TITLE:** \_\_\_\_\_

**SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_



City of Phoenix

Small Business Enterprise Program

Letter of Intent (LOI) To Perform as an SBE Subcontractor

(THIS FORM MUST BE COMPLETED BY THE SBE SUBCONTRACTOR – BOTH SBE SUBCONTRACTOR & PRIME SIGNATURE ARE REQUIRED)

Project Number: AV16000037
Contract #:

Project Description: PSHIA Facilities & Services Tonto Lot
Campus Phase I CMAR

TO: (Insert Name of Prime Contractor)

FROM: (Insert Name of SBE Firm)

A. The undersigned declares that the firm bidding to perform the work described herein, has been granted certification by the City of Phoenix (COP) as a Small Business Enterprise (SBE) in the area(s) of:

(COP) Certification Description:

B. The undersigned is bidding to perform the following scope(s) of work on the above referenced project:

SECTION 1 - COMPLETE THIS PORTION IF THE SCOPE OF WORK IS BEING BID BY UNIT PRICE OR HOURLY RATE
SUPPLIER, BROKER, TRUCKING, HAULING, UNIFORMED OFFICERS MUST USE THIS SECTION

Table with 4 columns: Scope of Work, Unit/Hourly Rate, # of Units/Hours, Total Quote Amount

SECTION 2 - GENERAL OR SPECIALTY CONSTRUCTION TRADE AREAS MUST USE THIS SECTION

Table with 2 columns: Scope of Work, Total Quote Amount

C. Of the Total Quote Amount reflected in Part B-SECTION 2, the following scope(s) of work with the given amount will not be performed by the SBE or is/are not covered under the SBE's certification description:

Scope(s) of Work Amount \$

Subtract Amount in Part C above from the Total Quote Amount in Part B-Section 2 = \* \$
\* Only this amount shall be reflected on the Bidder's Statement of Proposed Utilization.

D. If trucking services are included in Part B - SECTION 1 above, SBE MUST complete the following:

Of the Total Quote Amount noted in part B-Section 1, the SBE affirms that the amount of \* \$ shall be performed by drivers the firm employs, and trucks the SBE owns and leases without drivers.
(The amount referenced above is transferred from Step 9 of the Worksheet (L.O.I.W.-1). \*Only this amount shall be on the Statement of Proposed Utilization)

E. All subcontractors providing Broker or Traffic Control/Security Services indicated in Part B-SECTION 1 above MUST Complete the Following:

Rate of the SBE's fees/commissions %; for a Total Amount in fees/commissions of: \$
The Percentage and Total Amount referenced above is transferred from Steps 2 and 3 of the Worksheet (page L.O.I. W.-1).
Only the Total Amt in fee/commissions shall be reflected on the Bidders Statement of Proposed Utilization.

Should the prime contractor receiving this form be selected for award of the contract, the undersigned affirms that he/she will enter into an agreement to perform the work bid herein.

(SBE Subcontractor Authorized Signature)

(Date)

(Print Name and Title)

(Phone Number)

By signing this LOI document, the Prime Contractor affirms that it has not altered or modified this document in any way other than, if applicable, entering the Unit/Hours and Total Quote Amount in Part B SECTION 1.

(Prime Contractor Authorized Signature)

(Date)

(Print Name and Title)

(Phone Number)



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**LETTER OF INTENT TO PERFORM AS A SUBCONTRACTOR/SUPPLIER  
INSTRUCTIONS AND WORKSHEET - L.O.I. W.-1**

A Letter of Intent to Perform as a SBE Subcontractor/Supplier (required for each SBE subcontractor/supplier proposed). The form documents services to be performed by the subcontractor/supplier and the total dollar amount of the subcontract that will be awarded to the SBE. Only the services performed in the area(s) described by the SBE's certification description can be counted towards the SBE goal requirement.

**Part I. Trucking and Hauling:** SBEs should indicate on Part B-Section 1 and Part D, of the LOI form, the information regarding trucks to be used in executing the contract. The City allows the counting of all payments for services provided by trucks which the SBE owns. Trucks which the SBE leases on a long-term basis and are operated with drivers the SBE employs may also be counted in full. The payments for short-term leased trucks, with or without SBE employed drivers cannot be counted.

**Only trucks for which leasing agreements have been submitted and approved by EOD as part of the SBE firm's current certification file shall be considered eligible for counting towards the goal.**

STEP ONE	STEP TWO	STEP THREE
Value of work expected to be performed by trucks owned by the SBE (2 Trucks)	Value of work expected to be performed by trucks leased ( <b>with drivers</b> ) by the SBE on a long-term basis (2 Trucks)	Combined value of work expected to be performed by other trucking firms and/or trucks leased ( <b>without drivers</b> ) by the SBE (3 Trucks)
<b>\$20,000</b>	<b>\$20,000</b>	<b>\$33,000</b>
STEP FOUR	STEP FIVE	STEP SIX
Estimated value for services provided by all trucks the SBE will use on the contract. <b>(Add Steps One, Two, and Three)</b>	Expected value of work performed by trucks not eligible for counting as SBE participation <b>(Value in Step Three)</b>	Total estimated value that can be counted for SBE participation <b>(Subtract Step Five from Step Four)</b>
<b>\$73,000</b>	<b>\$33,000</b>	<b>\$73,000 - \$33,000 =\$40,000</b>

**Part II. Fees and Commissions:** Insert the information from below under Step Three-Commission/Fees Percentage and the Countable Amount for SBE Participation into Part E of the LOI form. This part is applicable for the use of uniformed officers to provide traffic control and security and other services provided at an hourly rate by non-employees of the SBE contractor.

**(The following information is provided as a sample only)**

STEP ONE			
Total Number of Hours	Per Hour Bid Amount	Calculation Formula: Total Gross Bid Amount	
<b>200</b>	<b>\$35</b>	<b>200 × \$35 = \$7,000</b>	
STEP TWO			
Per Hour Bid Amount	Officers Hourly Rate	SBE Firm Commission/Fee	Calculation Formula: Fees/Commissions Percentage
<b>\$35</b>	<b>\$25</b>	<b>\$10</b>	<b>(10 / 35) * 100 = 28.57%</b>
STEP THREE			
Gross Bid Amount (from Step One)	Commission/Fee % (from Step Two)	Calculation Formula: Amount Countable for SBE Participation	
<b>\$7,000</b>	<b>28.57%</b>	<b>\$7,000 × .2857 = \$2,000</b>	

**Part III. Construction Trade Areas:** SBE must indicate in the Scope of Work of Part B-Section 2 of the LOI form, **all** scope(s) of work associated with the Total Quote Amount. The SBE must complete Part C of the LOI form by entering the Scope of Work and amount not expected to be performed by the SBE or which is not covered under the SBE's certification description. Subtracting this amount from the Total Quote Amount in Part B-Sect. 2 will result in the portion of work that can be counted as SBE participation.