









- A maximum of **12 pages** is permitted to address all content in the SOQ submittal (**Maximum page limit includes evaluation criteria and all additional content. It does not include information sheet.**)
  - Submit electronically the Statement of Qualifications by **12:00 noon, Phoenix time, on Friday, February 7, 2020.**
  - Upload one complete version of the SOQ addressing all the criteria. Upload format is .PDF.
  - 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, firm 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.
- Additional Content:** Resumes and other information may be included (*content shall be included within the permitted maximum page limit*).
- Disadvantaged Business Enterprise Attachments:** Include completed DBE Clause Exhibit A (Form EO1) and supporting documentation, in a separate PDF attachment along with your SOQ submittal (DBE attachments do NOT count towards maximum page count).

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

## **SECTION VI – GROUNDS FOR DISQUALIFICATION**

The following **will be grounds for disqualification**, and will be strictly enforced:

- Failure to submit electronically through the ProcurePHX online portal by the due date and time.
- Violating the “Contact with City Employees” policy contained in this RFQ
- Missing DBE Form EO1 and/or supporting documentation (Exhibit A). Note: Please submit as a separate PDF.

## **SECTION VII - SELECTION PROCESS AND SCHEDULE**

Interested firms will submit a SOQ. The firm will be selected through a qualifications-based selection process. A selection panel will evaluate each SOQ per the criteria set forth in Section IV above.

The City will select a firm based on the SOQs received; no formal interviews will be conducted. The City may conduct a due diligence review on the firm receiving the highest evaluation.

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

The following tentative schedule has been prepared for this project.

|                        |                     |
|------------------------|---------------------|
| Pre-submittal meeting  | January 23, 2020    |
| SOQs due               | February 7, 2020    |
| Selection Notification | Late February, 2020 |

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.

All submitting firms will be notified of selection outcome for this project. 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 Consultant should expect to comply with the Arizona State Statutes Title 34 and City of Phoenix Design and Construction Procurement's contract provisions.

## **SECTION VIII - FEDERAL REQUIREMENTS**

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

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

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

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

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

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

**Debarment, Suspension, Ineligibility and Voluntary Exclusion.** The Consultant and its subconsultants, by submission of its Statement of Qualifications (SOQ) certifies that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency. It further agrees by submitting its SOQ that it will include this clause without modification in all lower tier transactions,

solicitations, proposals, contracts, and subcontracts. Where the Consultant or any lower tier participant is unable to certify this statement, it shall attach an explanation to its SOQ.

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

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

## **SECTION IX – GENERAL INFORMATION**

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

**Changes to Request for Qualifications.** *Any changes to this Request for Qualifications (RFQ) 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 Current Opportunities 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 a Notification has been issued.* Registered RFQ holders may refer to the web page or call the Contracts Specialist (listed below) 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 Contracts Specialist (listed below) - Voice or 602-256-4286 – TTY. Requests will only be honored if made within the first week of the advertising period.

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

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

**Contact with City Employees.** 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.**

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) who may play a part in the selection process, 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.

**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 responding to disqualification or a procurement outcome are referred 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 Contracts Specialist, Samantha B. Ansmann at (602) 681-5361 or email [samantha.ansmann@phoenix.gov](mailto:samantha.ansmann@phoenix.gov).



**EXHIBIT A**  
**DISADVANTAGED BUSINESS ENTERPRISE REQUIREMENTS**

**ATTACHED**



## City of Phoenix

### Disadvantaged Business Enterprise (DBE) Program

#### DBE – Negotiated Contract Clause Race & Gender-Neutral – Professional Services

Phoenix is one of the fastest growing, multicultural cities in the country and has shown a historical commitment to business diversity. The City and its partners strive to advance the economic growth of small businesses through its Disadvantaged Business Enterprise (DBE) Program.

The City of Phoenix DBE Program is managed and administered by the City's Equal Opportunity Department, Contract Compliance Division. Through a coordinated effort among several city departments and partner agencies, the DBE Program provides certification and opportunities in construction, purchasing, management and technical assistance, educational services, and networking.

#### SECTION I. DEFINITIONS

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

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

**Business to Government Now (B2G)** means the web based certification and compliance system used to track and monitor DBE and Small Business Participation. The B2G system can be accessed at: <https://phoenix.diversitycompliance.com>

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

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

**EOD** means the City of Phoenix Equal Opportunity Department.

**Joint Venture (JV)** means an association between two or more persons, partnerships, corporations, or any combination thereof, formed to carry on a single business activity. The JV is limited in scope and duration to this Contract. The resources, asset, and labor of the participants must be combined in an effort to accrue profit.

**Outreach Efforts** means the diligent and good faith efforts demonstrated by a Submitter to solicit participation from interested and qualified DBEs and other Small Businesses. Submitter shall identify and document potential business opportunities for DBEs and other Small Businesses, describe what efforts were undertaken to solicit DBE and Small Business participation, disclose results of negotiations with DBEs and Small Businesses, and communicate and record Submitter's selection decisions relating to DBE and Small Business participants.

**Disadvantaged Business Enterprise (DBE)** means a Small Business Concern that has successfully completed the DBE certification process and has been granted DBE status by an AZUCP member pursuant to the criteria contained in 49 CFR Part 26.

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

**Goods and Services Providers** are firms that provide goods and services that represent a Commercially Useful Function directly to Transit as a DBE or Small Business.



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**Manufacturer** means a firm that owns, operates or maintains a factory or establishment that produces on the premises the components, materials, or supplies obtained by the recipient, successful submitter, or Transit Vehicle Manufacturer.

**Regular dealer/broker** 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 released to the public in the usual course of business.

**Supplier** means a firm that engages in, as its principal business, the purchase and sale of material or supplies required for the performance of a contract. The firm must own, operate, and maintain a store, warehouse or other establishment where the supplies are bought, kept in stock, and regularly sold to the public in the usual course of business.

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

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

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

**Responsive Submitter** means a firm that has met the minimum program requirements as outlined in the solicitation and due at the time of submittal.

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

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

**Transit Vehicle Manufacturers (TVMs)** means any manufacturer whose primary business purpose is to manufacture vehicles specifically built for public mass transportation. Such vehicles include, but are not limited to: buses, rail cars, trolleys, ferries, and vehicles manufactured specifically for paratransit purposes. Producers of vehicles that receive post-production alterations or retrofitting to be used for public transportation purposes (e.g., so-called cutaway vehicles, vans customized for service to people with disabilities) are also considered transit vehicle manufacturers. Businesses that manufacture, mass-produce, or distribute vehicles solely for personal use and for sale "off the lot" are not considered transit vehicle manufacturers.



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**Transit Vehicle Manufacturers Goals** for FTA recipients each transit vehicle manufacturer, as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements, to certify that it has complied with the requirements of 49 CFR Part 26.49.

#### SECTION II. GENERAL REQUIREMENTS

##### A. **Applicable Federal Regulations**

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

##### B. **DBE Participation**

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

##### C. **Small Business Participation**

The Agency will track the participation of all approved businesses throughout the life of this contract. The Agency will count Small Business participation as authorized by federal regulations. A summary of these regulations can be found at [www.ecfr.gov](http://www.ecfr.gov) (49 CFR Part 26.39).

##### D. **DBE Certification**

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

##### E. **Civil Rights Assurances**

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

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

Note: For purposes of the required Contract and Subcontract language above, Successful Submitter is the “contractor” awarded the contract.

#### SECTION III. PRE-AWARD SUBMITTAL REQUIREMENTS

##### Documentation due with initial qualifications-based submittal.

##### A. **Form EO1 – Statement of Outreach Commitment**

Each Submitter shall sign, date and submit a completed Form EO1 - Statement of Outreach Commitment, with its initial qualifications-based submittal.



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#### **B. Failure to Submit Form EO1**

Submittals that do not have this form completed and signed will be deemed nonresponsive. A nonresponsive submittal will be disqualified from further evaluation.

#### **SECTION IV. POST-AWARD SUBMITTAL REQUIREMENTS**

The Agency has implemented outreach requirements for this Contract. Specifically, the Successful Submitter shall: (1) identify small-business-participation opportunities, including Commercially Useful Functions; (2) actively solicit proposals from small businesses; (3) evaluate small-business proposals; and (4) communicate selection decisions to small businesses, including each rejection of a small-business proposal.

Following the award of the contract and prior to the execution of each phase, as a matter of compliance, the documentation of outreach efforts must be submitted and approved on a date to be determined by Contract Owner:

#### **A. Form EO2 - Small Business Outreach Efforts**

Successful Submitter shall complete and submit **Form EO2 - Small Business Outreach Efforts**, documenting its diligent, earnest outreach efforts for professional services, as described in this clause.

Form EO2 and all supporting documentation are due to the Equal Opportunity Department within 30 days, or a date determined by the City.

Successful Submitter shall list **All DBEs and Small Businesses** contacted by the Successful Submitter. Successful Submitter shall also provide the following minimum information to document its Outreach Efforts in the designated columns within Form EO2:

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

Must list each business's full legal name and contact information. Successful Submitter shall inquire to obtain the following: the number of its employees, number of years in business and its estimated range of annual gross receipts.

##### **2. Column B - Business Status**

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

- The official DBE database containing eligible DBE and SBC firms can be accessed at: <https://utracs.azdot.gov>
- City of Phoenix SBE Certification Directory can be accessed at: <https://phoenix.diversitycompliance.com>

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

List the scope(s) of work solicited for which the small business was considered for participation in the proposal. The solicitation shall 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 for your outreach efforts, and provide supporting documentation. Supporting documentation must include a copy of the actual solicitation sent to DBEs and Small Businesses. The solicitation may be in the form of letters or attachments to email, phone logs, newspapers 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
- Date and Time of Contact
- Details of the Communication



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#### 5. Column E - Selection Decision

Indicate the Successful Submitters selection decision for each small business that responded to the solicitation.

*If selected, indicate the Dollar Value.*

*If not selected, provide an explanation why firm was NOT selected.*

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

The Successful 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:

- List the Selection Outcome
- Name of Submitter's Representative
- Name of Company Contacted
- Name of Person Contacted
- Date and Time of Contact
- Details of the Communication

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

#### **B. Form EO3 - Small Business Utilization Commitment**

The Successful Submitter shall complete, sign, date and submit EO3 - Small Business Utilization Commitment, which commits Successful Submitter to the Agency as follows:

1. The firms indicated as "Selected" on Form EO2 Small Business Outreach Efforts, will participate in this Contract;
2. The Successful Submitter will comply with the Race- and Gender-Neutral post-award compliance requirements as stated in the DBE 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 Compliance Specialist for the Contract Owner prior to implementation; and
4. The following statement is true and correct: The proposed total participation of DBE, SBC and SBE firms on this contract will be designated on Form EO3 by the Successful Submitter.

#### **C. Failure to Meet Outreach Requirements**

The DBE Compliance Specialist will determine, in writing, whether the Bidder has satisfied all outreach requirements. If the DBE Compliance Specialist determines the Bidder failed to satisfy the outreach requirements, then the DBE Compliance Specialist may determine the bid is nonresponsive. A determination of non-responsiveness *disqualifies* Bidder from further consideration for the Contract award. The Agency shall send written notice to Bidder stating the basis for the DBE Compliance Specialist's decision.

#### **Administrative Reconsideration**

In the event the City determines the Bidder failed to submit required documentation to meet the Small Business 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 three business days of being informed by the City that the Bidder is not responsive based on insufficient demonstration and/or documentation of Outreach Efforts, the Bidder may submit its written request to:



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City of Phoenix Equal Opportunity Department  
Office of the Director  
200 W. Washington St., 15th Floor  
Phoenix, AZ 85003

If the request for Administrative Reconsideration is not submitted within the allotted three business days, the non-responsive Bidder shall not utilize the DBE Program submittal requirements as the basis for its future protest.

As part of this reconsideration process, the Bidder will have an opportunity to provide written clarification or argument concerning the issue of whether it met the Outreach Requirements or provided sufficient supporting documentation of this efforts at the time of bid. As the Disadvantaged Business Enterprise Liaison Officer (DBELO) for the City, The Equal Opportunity Director shall review solely the written 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 DBELO or his designee will send the Bidder a written decision on the reconsideration, explaining the basis for finding that the Bidder did or did not meet the Small Business Outreach Requirements. The result of the DBE reconsideration process is not administratively appealable and cannot be escalated or included in any other protest not related to the DBE Program.

#### SECTION V. POST-AWARD GENERAL REQUIREMENTS

##### A. Subcontracting Commitment

The 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.

Successful Submitter shall submit to Agency, through the B2G system, all executed contracts, purchase orders, subleases, JV agreements, and other arrangements formalizing agreements between Successful Submitter and all subcontractors, upon execution throughout the life of this contract.

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

\*Executed contracts and all lower tier contracts must contain the required Civil Rights Assurances and Prompt Payment provisions.

##### B. Counting Small Business Participation

The prime contractor may only count expenditures to AZUCP certified DBE subcontractors that perform a commercially useful function on the contract. A DBE performs a commercially useful function when it 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. A DBE subcontractor must perform a minimum of 30% of its subcontract value with its own workforce and equipment before its participation can be counted. DBEs 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 DBE firm's certification description **will not** be counted as DBE participation.

**Commercially Useful Function & Counting of DBE Trucking/Hauling: 49 CFR Part 26.55 Section (d)** defines Commercially Useful Function and the counting of DBE participation Trucking/Hauling as follows:



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- The DBE 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 DBE participation.
- The DBE must itself own and operate at least one fully licensed, insured, and operational truck used on the contract.
- The DBE 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 DBE may lease trucks from another DBE firm, including an owner-operator who is certified as a DBE. The DBE who leases trucks from another DBE receives credit for the total value of the transportation services the lessee DBE provides on the contract.
- The DBE may also lease trucks from a non-DBE firm, including from an owner-operator. The DBE who leases trucks from a non-DBE is entitled to credit for the total value of transportation services provided by non-DBE lessees not to exceed the value of transportation services provided by DBE-owned trucks on the contract. Additional participation by non-DBE lessees receives credit only for the fee or commission it receives as a result of the lease arrangement.
- Amounts paid for dump fees or materials being hauled/dumped cannot be counted as DBE participation.

#### **Counting DBE certified Manufactures, Suppliers, and Brokers:**

**49 CFR Part 26.55 Section (e)** permits the counting of expenditures with DBEs for materials or supplies toward DBE participation as provided in the following:

- If the materials or supplies are obtained from a **DBE manufacturer**, count 100 percent of the cost of the materials or supplies toward DBE participation.
- If the materials or supplies are purchased from a **DBE regular dealer (supplier)**, count 60 percent of the cost of the materials or supplies toward DBE participation.
- If materials or supplies purchased from a DBE which is neither a manufacturer nor a regular dealer, **(broker or manufacturer's rep.)** count the entire amount of fees or commissions charged for assistance in the procurement of the materials and supplies toward DBE participation.

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

#### **C. Small Business Substitutions**

If the Small Business was approved by the Agency, the Phoenix DBE compliance Specialist will consider whether or not the Successful Submitter has exercised diligent and good-faith efforts to find another Small Business as a replacement. The Successful Submitter shall notify the Phoenix DBE Compliance Specialist in writing of the necessity to substitute a DBE or Small Business and provide specific reason(s) for the substitution or replacement. Actual substitution or replacement of a Small Business may not occur before the Phoenix DBE Compliance Specialist's written approval has been obtained.

#### **D. Relief from Proposed Small Business Utilization**

After Contract award, the Agency will not grant relief from the proposed Small Business utilization except in extraordinary circumstances. The Successful Submitter's request to modify Small Business participation must be in writing to the Phoenix DBE Compliance Specialist.

Successful Submitter's written request must set forth the amount of relief sought, evidence that demonstrates why relief is necessary, and any additional relevant information that the Phoenix DBE Compliance Specialist should consider. The Successful Submitter shall include with the request all documentation of Submitter's





## City of Phoenix

### Disadvantaged Business Enterprise (DBE) Program

attempts to subcontract with the Small Business and any other action taken to locate and solicit a replacement Small Business.

#### **E. Prompt Payment of Subcontractors**

The prompt payment clause shall be included in every contract and subcontract.

The Successful Submitter must promptly pay its subcontractors, subconsultants, or suppliers. **For projects governed by Title 34 of the Arizona Revised Statutes, payment must be made within seven (7) calendar days.** If the Successful Submitter diverts any payment received for a DBE's, Small Business's, or other Subcontractor's work performed on the Contract or fails to reasonably account for the application or use of the payment, the Agency may declare the Successful Submitter in breach of contract.

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

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

## **SECTION VI. RECORDS & REPORTING REQUIREMENTS**

### **A. Records**

During performance of the Contract, the Successful Submitter shall keep all records necessary to document Small Business participation. The Successful Submitter shall provide the records to the Agency within 72 hours of the Agency's request and at final completion of the Contract. The Agency will prescribe the form, manner, and content of reports. The required records include:

1. A complete listing of all Subcontractors and suppliers on the project;
2. Each Subcontractor's and supplier's scope performed;
3. The dollar value of all subcontracting work, services, and procurement;
4. Copies of all executed Subcontracts, purchase orders, and invoices;
5. Total operating expenses and total costs of goods sales; and
6. Copies of all payment documentation and Change Orders.

### **B. Reports**

Successful Submitter is required to file the following payment reports in the B2G system:

1. **Progress Payments:** By the 15<sup>th</sup> of *each* month, the Successful Submitter must enter payment information and related supporting documentation into the Agency's web-based certification and compliance reporting system.
  - a. The total of all payments received from the Agency during the previous month.
  - b. All payments made to Subcontractors during the previous month.

The Successful Submitter is responsible for ensuring that subcontractors confirm receipt of payment in the B2G system by the end of each month.

### **2. Final Payment:**

Before the Agency processes the Successful Submitter's final payment and/or outstanding retention held against the Successful Submitter, the Successful Submitter shall notate in the B2G system:



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- a. The payment to each subcontractor is considered "Final".
- b. Every subcontractor must confirm they have received full and "Final" payment in the B2G system.
- c. For federal reporting purposes, Attachment E must be completed and signed by the Successful Submitter and DBE firm(s) prior to Successful Submitter receiving final payment

The Successful Submitter is responsible for ensuring that subcontractors confirm the receipt of full and "Final" payment in the B2G system.



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**Disadvantaged Business Enterprise (DBE) Program**

**DBE-Race & Gender Neutral (Negotiated)**

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

|                                      |   |
|--------------------------------------|---|
| <b>Project Number: AV3100009%FAA</b> | <b>Project Title: Deer Valley Airport Development</b> |
|--------------------------------------|---|

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 30 days or a date determined by the City following contract award recommendation;
- 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 DBE Contract Clause.

Company Name: \_\_\_\_\_

Company Mailing Address: \_\_\_\_\_

Representative Name: \_\_\_\_\_

Title: \_\_\_\_\_

Email Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

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

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

## Disadvantaged Business Enterprise (DBE) Program

### DBE-Race & Gender Neutral (Negotiated)

#### Form EO2 SMALL BUSINESS OUTREACH EFFORTS

|                                     |   |  |
|-------------------------------------|---|--|
| <b>Name of Company (Submitter):</b> | <b>Contract # / Project #:</b><br>/AV31000091 FAA | <b>Contract Name:</b><br>Deer Valley Airport h <sup>o</sup> h <sup>o</sup> y |
| <b>Email:</b>                       | <b>Phone #:</b>                                   | <b>Point of Contact:</b>   |

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

| (A)<br>Small Business Name<br>and Contact Information   | (B)<br>Business<br>Status   | (C)<br>Scope(s) of Work<br>Solicited | (D)<br>Solicitation<br>Method   | (E)<br>Selection Decision   | (F)<br>Communication Final<br>Selection Outcome  |
|---|---|--------------------------------------|---|---|--|
| Name:<br>Address:<br>City, State, Zip: <span style="float: right;">Number of Employees:</span><br>Phone Number: <span style="float: right;">Email or Fax:</span><br>Number of Years in Business: <span style="float: right;">Range of Annual Gross Receipts:</span> | <input type="checkbox"/> DBE<br><input type="checkbox"/> SBC - Small Business Concern<br><input type="checkbox"/> SBE - City of Phoenix Certified<br><input type="checkbox"/> Unknown | <b>List Scope(s) of Work</b>         | <input type="checkbox"/> E-mail Blast<br><input type="checkbox"/> Phone Call<br><input type="checkbox"/> In-Person<br><input type="checkbox"/> Newspaper<br><input type="checkbox"/> Website<br><input type="checkbox"/> Trade Listing<br><input type="checkbox"/> Outreach Event<br><input type="checkbox"/> Other | <input type="checkbox"/> Firm was selected<br><br>Dollar Value:<br><br><input type="checkbox"/> Firm was not selected<br>Provide explanation of why firm NOT selected<br>_____<br>_____ | <b>Firms must be notified of final selection outcome prior to submittal of this form.</b><br><br>Date Firm was Notified:<br><br><hr/> Method used to Communicate Selection:<br><input type="checkbox"/> Email<br><input type="checkbox"/> Phone<br><input type="checkbox"/> Fax<br><input type="checkbox"/> Letter<br><input type="checkbox"/> In person |
| Name:<br>Address:<br>City, State, Zip: <span style="float: right;">Number of Employees:</span><br>Phone Number: <span style="float: right;">Email or Fax:</span><br>Number of Years in Business: <span style="float: right;">Range of Annual Gross Receipts:</span> | <input type="checkbox"/> DBE<br><input type="checkbox"/> SBC - Small Business Concern<br><input type="checkbox"/> SBE - City of Phoenix Certified<br><input type="checkbox"/> Unknown | <b>List Scope(s) of Work</b>         | <input type="checkbox"/> E-mail Blast<br><input type="checkbox"/> Phone Call<br><input type="checkbox"/> In-Person<br><input type="checkbox"/> Newspaper<br><input type="checkbox"/> Website<br><input type="checkbox"/> Trade Listing<br><input type="checkbox"/> Outreach Event<br><input type="checkbox"/> Other | <input type="checkbox"/> Firm was selected<br><br>Dollar Value:<br><br><input type="checkbox"/> Firm was not selected<br>Provide explanation of why firm NOT selected<br>_____<br>_____ | <b>Firms must be notified of final selection outcome prior to submittal of this form.</b><br><br>Date Firm was Notified:<br><br><hr/> Method used to Communicate Selection:<br><input type="checkbox"/> Email<br><input type="checkbox"/> Phone<br><input type="checkbox"/> Fax<br><input type="checkbox"/> Letter<br><input type="checkbox"/> In person |



**City of Phoenix**

**Disadvantaged Business Enterprise (DBE) Program**

**DBE-Race & Gender Neutral (Negotiated)**

**FORM EO3 SMALL BUSINESS UTILIZATION COMMITMENT**

|                               |   |
|-------------------------------|---|
| Project Number: AV3100009%FAA | Project Title: Deer Valley Airport DfYVlg]cb'5 ddfcUW<br>DUH `bX]WUrcf'fD5 D-LGngHfa `l d[ fUXY |
|-------------------------------|---|

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 Small Business Outreach Efforts**, will participate in this contract;
2. The Successful Submitter will comply with the Race- and Gender-Neutral post-award compliance requirements as stated in the DBE 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 DBE Compliance Specialist prior to implementation; and
4. The following statement is true and correct:

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

\$ \_\_\_\_\_ %

Company Name: \_\_\_\_\_

Company Mailing Address: \_\_\_\_\_

Representative Name: \_\_\_\_\_

Title: \_\_\_\_\_

Email Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

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

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

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

The attached Consultant Performance Evaluation Form is to be provided to the agencies or entities for which your firm has recently provided services relevant 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 25 points for a total of up to 75 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:

6000000851

Attention: Samantha B. Ansmann

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

## Sample Consultant 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 Consultant Performance Evaluation form and return by email the completed form by 12:00 pm Phoenix time on **February 7, 2020** to:

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

**Reference in Subject Line: RFx #600000851 and Contracts Specialist Samantha B. Ansmann.**

For questions, contact Samantha B. Ansmann, Contracts Specialist at 602-681-5361.

Failure to submit the Consultant 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 CONSULTANT PERFORMANCE EVALUATION

Evaluate the consultant's contract performance in each of the rating areas listed below. On the Consultant Performance Evaluation form, circle the rating from 1 to 4 that most closely matches your evaluation of the consultant'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 consultant or any other entity.**

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



**DEER VALLEY AIRPORT  
PRECISION APPROACH PATH INDICATOR (PAPI)  
SYSTEM UPGRADE  
AV31000091 FAA  
RFx: 600000851**

**CONSULTANT PERFORMANCE EVALUATION FOR \_\_\_\_\_**  
(firm name)

In the box below, provide the project title, contracted services provided by the firm, and start and completion date 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 Consultant's performance and **circle the number** below that corresponds to the performance rating for each category. Please see the rating scale.

1 = Unsatisfactory; 2 = Poor; 3 = Good; 4 = Excellent

|   |                  |           |
|---|------------------|-----------|
| HOW WOULD YOU RANK THE BUSINESS RELATIONSHIP BETWEEN THE OWNER AND THE FIRM?              | 4<br>3<br>2<br>1 | Comments: |
| WAS THE TEAM PRESENTED IN THE PROPOSAL THE TEAM THAT WORKED ON THE PROJECT TO COMPLETION? | 4<br>3<br>2<br>1 | Comments: |
| WAS STAFF PROACTIVE IN SOLVING PROBLEMS THAT MAY HAVE OCCURRED ON THE PROJECT?            | 4<br>3<br>2<br>1 | Comments: |
| WAS THE CONTRACTED SCOPE OF SERVICES COMPLETED ON TIME AND WITHIN BUDGET?                 | 4<br>3<br>2<br>1 | Comments: |
| HOW WOULD YOU RATE THE QUALITY OF WORK PERFORMED BY THIS FIRM ON YOUR PROJECT?            | 4<br>3<br>2<br>1 | Comments: |
| DID THE FIRM RECOMMEND EFFICIENCIES OR PROVIDE INNOVATIVE IDEAS OR SUGGESTIONS?           | 4<br>3<br>2<br>1 | Comments: |

|  |               |                     |
|--|---------------|---------------------|
| WOULD YOU BE WILLING TO CONTRACT WITH THIS FIRM AGAIN? (YES = 1 point) | YES<br><br>NO | Comments:           |
| TOTAL SCORE  |               | (MAXIMUM 25 POINTS) |

Reference Evaluation Provided By:

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

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

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

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

***Email completed form by February 7, 2020 by 12:00 pm Phoenix time to:***

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

**\*EMAIL SUBJECT LINE SHOULD REFERENCE RFx NUMBER 6000000851 AND CONTRACTS SPECIALIST SAMANTHA B. ANSMANN**

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.