MEMORANDUM

Date: March 7, 2019

To: The Honorable Chairman and Members
Pima County Board of Supervisors

From: C.H. Huckelberry
County Administrator

Re: **Disadvantaged Business Enterprise (DBE) Program Plan for Eric Marcus Airport Projects**

Pima County Procurement has established a Disadvantaged Business Enterprise (DBE) Program Plan in accordance with the regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26, to receive federal financial assistance from DOT for the Eric Marcus Airport Projects, Ajo, Arizona. The Federal Aviation Administration (FAA) has approved the Plan. Federal regulations mandate a public comment period that ended March 6, 2019 without comment. The Plan Policy Statement requires my signature and that the Plan be distributed to the Board of Supervisors and affected County Departments and posted on the County and FAA websites for informational purposes to the public and DBE and non-DBE companies that may compete for Project contracts at any tier. No action is required by the Board.

CHH/mp

Attachments

c: Carmine DeBonis, Deputy County Administrator, Public Works
John Voorhees, Assistant County Administrator
Ana Olivares, Director, Department of Transportation
Mary Jo Furphy, Director, Procurement
Neil Konigsberg, Manager, Real Property Services
Rita Leon, Sr. Acquisitions Agent, Real Property Services

PIMA COUNTY

PROCUREMENT

MEMORANDUM

Date: March 7, 2019

To: Chuck Huckelberry, County Administrator

Thru: Tom Burke, Deputy County Administrator

From: Mary Jo Furphy, Procurement Director

Re: Marcus Airport FAA DBE Plan

Pima County Procurement has established a Disadvantaged Business Enterprise (DBE) Program Plan in accordance with the regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26, to receive federal financial assistance from DOT for the Eric Marcus Airport Projects, Ajo, Arizona. The Federal Aviation Administration (FAA) reviewed and approved the Plan.

On February 6, 2019, the Plan was posted on the Procurement Department website to allow for public comments on the Overall DBE Program Goal referenced in the Plan. Publication was noticed in The Daily Territorial and Ajo Copper News and to the membership of The Arizona Transportation Builders Association and The Arizona Construction Trades. The public comment period ended March 6, 2019, without comment.

The Plan is attached for your signature on page 4 and is required to be distributed to the Pima County Board of Supervisors and affected County Departments. No Board action is required. The Plan will be posted in executed form on the Pima County and FAA websites.

Attachment

c: Carmine DeBonis, Deputy County Administrator, Public Works
John Voorhees, Assistant County Administrator, General Services Administration
Ana Olivares, Director, Department of Transportation
Neil Konigsberg, Manager, Real Property Services
Terri Spencer, Procurement Design & Construction Division Manager / DBE Liaison Officer
Mandley Rust, Project Manager, Department of Transportation
Rita Leon, Sr. Acquisitions Agent, Real Property Services

DBE Program Plan
for
Eric Marcus Airport Projects
Ajo, Arizona

Administered by:

Pima County Procurement Department
130 West Congress, 3d Floor
Mail Stop: DT-AB3-126
Tucson, AZ 85701
Office: (520) 724-8161
FAX: (520) 724-4434
http://www.pima.gov/procure/index.asp

March19

Table of Contents

POLICY STATEMENT **4**

SUBPART A - GENERAL REQUIREMENTS **5**

Section 26.1 Objectives 5

Section 26.3 Applicability 5

Section 26.5 Definitions 5

Section 26.7 Non-Discrimination Requirements 6

Section 26.11 Record Keeping Requirements 6

Section 26.13 Federal Financial Assistance Agreement 6

SUBPART B - ADMINISTRATIVE REQUIREMENTS 7

Section 26.21 DBE Program Updates 7

Section 26.23 Policy Statement 7

Section 26.25 DBE Liaison Officer (DBELO) 7

Section 26.27 DBE Financial Institutions 8

Section 26.29 Prompt Payment Mechanisms 8

Section 26.31 Directory 10

Section 26.33 Over-concentration 10

Section 26.35 Business Development Programs 10

Section 26.37 Monitoring and Enforcement Mechanisms 11

Section 26.39 Fostering Small Business Participation 11

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING 11

Section 26.43 Set-asides or Quotas 11

Section 26.45 Overall Goals 12

Section 26.47 Failure to Meet Overall Goals 12

Section 26.51(a-c) Breakout of Estimated Race-Neutral & Race-Conscious Participation 13

Section 26.51(d-g) Contract Goals 14

Section 26.53 Good Faith Efforts Procedure 14

Section 26.55 Counting DBE Participation 17

SUBPART D – CERTIFICATION STANDARDS 17

Section 26.61 – 26.73 Certification Process 17

SUBPART E – CERTIFICATION PROCEDURES 18

Section 26.81 Unified Certification Programs 18

SUBPART F –COMPLIANCE AND ENFORCEMENT 18
Section 26.109 Information, Confidentiality, Cooperation 18
ATTACHMENTS 20

POLICY STATEMENT

Pima County (County) has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. Pima County has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, County has agreed that it will comply with 49 CFR Part 26.

It is the policy of County to ensure that DBEs as defined in Part 26, have an equal opportunity to receive and participate in DOT–assisted contracts. It is also our policy to:

- Ensure nondiscrimination in the award and administration of DOT-assisted contracts;
- Create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
- Ensure that the DBE Program is narrowly tailored in accordance with applicable law;
- Ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
- Help remove barriers to the participation of DBEs in DOT assisted contracts;
- Promote the use of DBEs in all types of federally-assisted contracts and procurement activities;
- Assist the development of firms that can compete successfully in the market place outside the DBE Program; and
- Provide appropriate flexibility to recipients of Federal financial assistance in establishing and providing opportunities for DBEs

The County DBE program will be managed and administered by the Business Enterprise Division of the Pima County Procurement Department. The Division Manager has been designated as the DBE Liaison Officer (DBELO). In that capacity, the Division Manager is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by County in its financial assistance agreements with the Department of Transportation.

County has disseminated this policy statement to the Pima County Board of Supervisors, and affected County Departments. Additionally, it will be made available through the County website to the public and DBE and non-DBE companies that may compete for Project contracts at any tier.

C. Huckelberry

Chuck Huckelberry
County Administrator
Pima County, Arizona
Date: 3/7/19

SUBPART A - GENERAL REQUIREMENTS

Section 26.1 Objectives

The objectives are found in the policy statement on the first page of this program.

Section 26.3 Applicability

Pima County is the recipient of Federal airport funds authorized by 49 U.S.C. 47101, *et seq.*

Section 26.5 Definitions

“County” means Pima County, Tucson, Arizona.

"Disadvantaged Business Enterprise” or “DBE" means a disadvantaged business enterprise as defined in the DBE Regulations.

"DBE Program" means Pima County’s DBE Program.

"DBE Regulations" means 49 CFR Parts 23 and 26.

"DOT" means the United States Department of Transportation.

"FAA" means the United States Federal Aviation Administration.

"Liaison Officer" means the DBE Liaison Officer appointed by the County Administrator pursuant to the Policy. The name, address, and telephone number of the Liaison Officer is listed under Section 26.25 of this document.

“Subrecipient/Subgrantee” means any legal entity to which a sub-award of federal financial assistance is made and which is accountable to the recipient for the use of the funds provided (49 CFR 19.2). County has adopted and uses the definitions related to the DBE program found in 49 CFR Part 26.5.

"UCP" means the unified certification program being developed by DOT grant recipients in the State of Arizona, including Pima County.

"AZUCP" means the Arizona Unified Certification Program being developed by grant recipients within the State of Arizona, including Pima County.

Other capitalized terms used herein and not otherwise defined shall have the meanings given in the DBE Regulations.

Section 26.7 Non-Discrimination Requirements

County will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR Part 26 on the basis of race, color, sex, national origin, age, or disability.

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

Section 26.11 Record Keeping Requirements

County will provide data about its DBE Program to the Department as directed by DOT operating administrations.

County will report DBE participation to DOT/FAA as follows:

County will transmit to FAA annually on or before December 1, the "Uniform Report of DBE Awards or Commitments and Payments" form. Filing is completed on the FAA Civil Rights Connect, https://faa.civilrightsconnect.com. Reporting will also be completed for DBE contractor firm information.

Bidders List: 26.11(c)

County will create and maintain a bidders list. The purpose of the list is to provide as accurate data as possible about the universe of DBE and non-DBE contractors and subcontractors who seek to work on the Airport's DOT-assisted contracts for use in helping to set our overall goals. The bidders list will include the name, address, DBE and non-DBE status, age of firm and annual gross receipts of firms.

We will collect this information as part of bid submittal package (see Attachment 2) for DOT-assisted contracts.

Section 26.13 Federal Financial Assistance Agreement

County has signed the following assurances, applicable to all DOT-assisted contracts and their administration:

Assurance: 26.13(a) - Each financial assistance agreement the County signs with a DOT operating administration (or a primary recipient) will include the following assurance:

> County shall not discriminate on the basis of race, color, sex, or national origin in the award and performance of any DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR part 26. County shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. The County's DBE program, as required by 49 CFR part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the County of its failure to carry out its approved program, the Department may impose sanctions as provided for under 49 CFR part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986

(31 U.S.C. 3801 *et seq.*).

Contract Assurance: 26.13b – County will ensure that the following clause is included in each contract it signs with a contractor and each subcontract the prime contractor signs with a subcontractor:

> The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, sex or national origin in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-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 County deems appropriate, which may include, but is not limited to: (1) Withholding monthly progress payments; (2) Assessing sanctions; (3) Liquidated damages; and/or (4) Disqualifying the contractor from future bidding as non-responsible

SUBPART B - ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

County is required to have a DBE program meeting the requirements of this part as it will receive grants for airport planning or development and will award prime contracts, cumulative total value of which exceeds $250,000 in FAA funds in a federal fiscal year. County is not eligible to receive DOT financial assistance unless DOT has approved the Airport's DBE program and County is in compliance with it and this part. County will continue to carry out its program until all funds from DOT financial assistance have been expended. County does not have to submit regular updates of the program, as long as compliance is maintained. However, County will submit significant changes in the program for approval.

Section 26.23 Policy Statement

The Policy Statement is included on page 4 of this DBE Program Plan.

Section 26.25 DBE Liaison Officer (DBELO)

County has designated the following individual as its DBE Liaison Officer (DBELO) and its Assistant.

DBE Program Liaison Officer	**Assistant DBE Program Liaison Officer**
Terri Spencer	Monica Dennis
Division Manager	Business Enterprise Program Coordinator
Pima County Procurement Department	Pima County Procurement Department
130 W. Congress 3rd Floor	130 W. Congress 3rd Floor
Tucson, AZ 85701	Tucson, AZ 85701
520-724-3722	520-724-3807
520-724-4434 (fax)	520-724-4434 (fax)
Terri.Spencer@Pima.Gov	Monica.Dennis@Pima.Gov

In this capacity, the DBELO is responsible for implementing the DBE program and ensuring that the County complies with the applicable key provisions of 49 CFR Part 26. The DBELO has direct, independent access to the County Administrator concerning DBE program matters. An organization chart displaying the DBELO's position in the organization is found in Attachment "A" to this program.

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. The DBELO works closely with the Procurement and Legal Departments in the administration of the program. The staff duties and responsibilities include the following:

- Gathers and reports statistical data and other information as required by DOT.
- Reviews third party contracts and purchase requisitions for compliance with this program.
- Analyzes available data regarding DBE participation and works with all departments to set overall annual goals
- Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
- Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals) and monitors results.
- Analyzes County's progress toward attainment and identifies ways to improve progress.
- Participates in pre-bid and pre-construction meetings.
- Advises the Procurement Director, Board of Supervisors, and County Administration on DBE matters and achievement.
- Participates with the legal counsel and project manager to determine contractor compliance with good faith efforts.
- Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
- Plans and participates in DBE training seminars and events.
- Acts as liaison to the Uniform Certification Program in Arizona.
- Provides outreach to DBEs and community organizations to advise them of opportunities.
- Verifies DBE status using the Uniform Certification Program directory of certified DBEs

Section 26.27 DBE Financial Institutions

County has investigated the availability of services provided by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community by inquiring of DBE organizations and other grant recipients in the area, but have not identified any such institutions. County will make continuing efforts to identify such financial institutions by periodically conferring with banking and DBE organizations and other grant recipients in the state.

Section 26.29 Prompt Payment Mechanisms

County has established, as part of its DBE Program, appropriate contract clauses to require prime contractors to pay subcontractors for satisfactory performance of their contracts. In accordance with the Arizona Prompt Payment Law (A.R.S. §28-411), County shall issue payments to Consultants within 21 calendar days after receipt of complete and accurate certified pay applications unless proper objection is made under the statute. The law also requires the Prime to pay their Subcontractors within seven (7) calendar days after receiving payment from County, to the extent of each Subconsultant's contractual interest in the payment, subject to provision of the statute. Each line item for which payment is claimed based on the work of a subcontractor must identify the subcontractor by name. Prime contractor must provide subcontractor lien waivers to County evidencing subcontractor payment.

Retainage by contractor will not exceed the actual percentage retained by County from the progress payment. County, at any time, in its sole discretion, may require that invoices be supported by evidence of payment to subcontractors and suppliers.

County will hold retainage from prime contractors and provide for prompt and regular incremental acceptances of portions of the prime contract, pay retainage to prime contractors based on these acceptances, and require a contract clause obligating the prime contractor to pay all retainage owed to the subcontractor for satisfactory completion of the accepted work within 30 days after payment to the prime contractor.

County will consider a subcontractor's work satisfactorily complete when all the tasks called for in the subcontract have been accomplished and documented as required by County. When County has made an incremental acceptance of a portion of a prime contract, the work of a subcontractor covered by that acceptance is deemed to be satisfactorily complete.

Contractor will withhold from an invoice the application and certification for payment of a subcontractor or supplier to which payment will not be made in accordance with the preceding paragraph (1) as a result of unsatisfactory job progress, defective construction work or materials not remedied, disputed work or materials, third party claims filed or reasonable evidence that a claim will be filed, failure of a subcontractor to make timely payments for labor, equipment and materials, damage to the contractor or another subcontractor, or other legitimate dispute or disagreement justifying nonpayment. On separate page(s) accompanying the invoice contractor shall identify excluded subcontractor/suppliers and provide a brief justification for their nonpayment on the current invoice.

Failure to pay a subcontractor for which payment was made by County will be deemed an unjustified failure to pay for which County may withhold from contractor the sum of Two Thousand Dollars ($2,000.00) plus the amount of the payment made by County. Such sum(s) shall be retained by County until the nonpayment issue is resolved, unless contractor provides evidence convincing to the County, in its sole discretion, that the failure to pay was justified. Each succeeding month of unjustified nonpayment shall be deemed a new failure for which an additional Two Thousand Dollars ($2,000.00) may be withheld. At the sole discretion of County, repeated instances of unjustified nonpayment(s) may result in withholding of progress payments until the subcontractor/supplier payment issues are resolved.

County will provide appropriate means to enforce the requirements of this section. These means include: contract terms requiring compliance with Arizona Revised Statute Title 32 and that postponement of payment may only be for good cause following written approval of County.

County will include the following clause in each DOT-assisted prime contract:

> "The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than seven (7) days from the receipt of each payment the prime contractor receives from County. The prime contractor agrees further to return retainage payments to each subcontractor within seven (7) days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment from the above referenced timeframe may occur only for good cause following written approval of County. This clause applies to both DBE and non-DBE subcontractors."

Monitoring Payments to DBEs

County monitors subcontractor payments by requiring prime contractors to report to the County DBE Liaison all subcontractor payments including DBE subcontractors on a monthly basis. County DBE Liaison runs a monthly report of County payments to prime contractors. County DBE Liaison then performs interim audits of the subcontractor payments reported by the prime contractor with its subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the reported dollar amounts as well as those stated in the schedule of DBE participation. County will verify evidence of Subcontractor payment by receipt of Subcontractor lien waivers throughout the contract term and at contract closeout. Prime contractor will maintain records and documents of payments to DBEs for three years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of County or DOT. This reporting requirement also extends to any certified DBE subcontractor.

County will include the following clause in each DOT-assisted prime contract:

> "The prime contractor agrees it will not be reimbursed for work performed by subcontractors unless and until the prime contractor ensures that the subcontractors are promptly paid for the work they have performed. This clause applies to both DBE and non-DBE subcontractors."

Section 26.31 Directory

County participates in the Arizona Unified Certification Program ("AZUCP") developed by Arizona Department of Transportation (ADOT), City of Phoenix (COP), and City of Tucson (COT). Any entity that is a member of the AZUCP recognizes the DBE certifications made by any of the three partners. All certification functions (including certification, de-certification, re-certification, and no–change affidavits) will be performed centrally by the AZUCP.

County utilizes the State of Arizona DBE directory, produced and maintained by the three partners of the AZUCP. The directory lists the firm's name, address, phone number, fax number, ethnicity, gender, certifying agency, certification type and the type of work the firm has been certified to perform as a DBE. In addition, the directory lists each type of work for which a firm is eligible to be certified by using the most specific NAICS code available to describe each type of work.

The State of Arizona revises the Directory on an on-going basis. County provides access information to the Directory at every pre-bid meeting and in bid documents. The Directory may be found at https://adot.dbesystem.com.

Section 26.33 Over-concentration

County has not identified that over-concentration exists in the types of work that DBEs perform. If overconcentration in any particular area is later established, County would address it at that time.

Section 26.35 Business Development Programs

The County will encourage small business participation and recognizes this as a requirement of good faith implementation of its DBE program. County will require all Subrecipients/Subgrantees/Contractors to encourage Small Business Concern (SBC) participation in contracts where there are appropriate subcontracting opportunities.

The County will rely on an online directory of available SBCs (similar to the DBE Directory) published by ADOT as part of the AZ UTRACS web portal. Firms can register online via the AZ UTRACS web portal. County Subrecipients/Subgrantees/Contractors will encourage small firms that conduct business with them to register as an SBC via the AZ UTRACS web portal.

Section 26.37 Monitoring and Enforcement Mechanisms

County will take the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26. (See also Attachment 7 and Attachment 10, Section 4):

1. Bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.107.

2. Implement similar action under our own legal authorities, including responsibility determinations in future contracts.

3. County Project Manager will ensure that work committed to DBEs at contract award or subsequently (i.e., as the result of modification to the contract) is actually performed by the DBEs to which the work was committed (Commercially Useful Function reviews) commencing with project kickoff and by way of regular progress reviews throughout the term of the contract and then verified at contract closeout.

4. Include written certification that County has reviewed contracting records and monitored work sites to ensure compliance with Part 26 requirements by all participants and those in the County DBE program

5. County will provide for a running tally of actual DBE attainments (e.g., payment actually made to DBE firms), including a means of comparing these attainments to commitments. In our reports of DBE participation to DOT, County will show both commitments and attainments, as required by the DOT uniform reporting form.

Section 26.39 Fostering Small Business Participation

The County will encourage small business participation and recognizes this as a requirement of good faith implementation of its DBE program. County will require all Subrecipients/Subgrantees/Contractors to encourage Small Business Concern (SBC) participation in contracts where there are appropriate subcontracting opportunities.

The County will rely on an online directory of available SBCs (similar to the DBE Directory) published by ADOT as part of the AZ UTRACS web portal. Firms can register online via the AZ UTRACS web portal. County Subrecipients/Subgrantees/Contractors will encourage small firms that conduct business with them to register as an SBC via the AZ UTRACS web portal.

The County's Small Business Program Element is incorporated as Attachment 10 to this DBE Program.

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-asides or Quotas

County does not, and will not, use quotas or set-asides in any way in the administration of this DBE program.

Section 26.45 Overall Goals

County will establish an overall DBE goal covering a three-year federal fiscal year period if County anticipates awarding DOT/FAA funded prime contracts the cumulative total value of which exceeds $250,000 during any one or more of the reporting fiscal years within the three-year goal period. County will submit its Overall Three-year DBE Goal to FAA for approval in accordance with Section 26.45(f).

The DBE goals will be established in accordance with the process as specified in 49 CFR Part 26.45.

In 2015, ADOT conducted a Disparity Study that analyzed the availability of minority- and women-owned businesses to participate in FAA funded transportation contracts for both prime contracts and subcontracts that ADOT and its Subrecipients awarded in Arizona for FYs 2007-2013. County did not utilize this data as it was not relevant to our current contracting environment and the limited scope of services for this Eric Marcus Airport Projects covered under this DBE Plan.

A description of the methodology to calculate the overall goal and the goal calculations can be found in Attachment 5 to this program.

Section 26.47 Failure to Meet Overall Goals

County will maintain an approved DBE Program and overall DBE goal, if applicable, as well as administer the DBE Program in good faith to be considered to be in compliance with this part.

If County awards and commitments shown on our Uniform Report of Awards or Commitments and Payments at the end of any fiscal year are less than the overall goal applicable to that fiscal year, County will do the following in order to be regarded by the Department as implementing your DBE Program in good faith:

- Analyze in detail the reasons for the difference between the overall goal and our awards and commitments in that fiscal year;
- Establish specific steps and milestones to correct the problems identified in the analysis to enable us to meet the goal for the new fiscal year;

- Prepare, within 90 days of the end of the fiscal year, the analysis and corrective actions developed under this section. County will retain a copy of analysis and corrective actions in records for a minimum of three years, and will make it available to FAA upon request.

Section 26.51(a-c) Breakout of Estimated Race-Neutral & Race-Conscious Participation

- County intends to meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating race-neutral DBE participation.

- Race-neutral means may include, but are not limited to the following:

- Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate participation by DBEs and other small businesses and by making contracts more accessible to small businesses, by means such as those provided under § 26.39 of this part.

- Advertise all contracting and procurement opportunities in County-approved newspaper circulations and on County's website.

- Include links in County solicitations that enable access to the AZUCP website, which contains the DBE Directory, DBE certification application and instructions, contact information for certifying agencies, Arizona DBE calendar for training and special events

- Plan or participate in community outreach activities for the purpose of informing potential contractors of available business opportunities.

- Maintain a current DBE Directory, through the AZUCP, as a source of identifying all DBEs currently recognized by County; provide access information to the DBE Directory to prospective proposers and contractors at all pre-submittal meetings; and provide access information to the DBE Directory with all solicitation documents.

- Make plans and specifications available for inspection by contractors at no cost during regular office hours of County.

- Establish prompt payment clauses in all contracts to facilitate the receipt of timely progress payments by subcontractors for work completed, following requests for payment.

- Include instructions for obtaining DBE certification applications and instructions in all proposal and bid documents.

- Maintain an "Interest List" of all consultants, contractors and suppliers who have expressed an interest in contracting with County. The list will identify the DBE status of the firm. The interest list is made available at all outreach activities and at all pre-submittal meetings.

- Utilization, when possible, of intergovernmental purchasing agreements that incorporate participation of DBEs, such as State of Arizona procurement, Mohave Educational Services Cooperative and Western States Contracting Alliance.

- Direct mail campaign via email to chambers of commerce and other local trade associations for distribution of County procurement opportunity notices directly to their membership.

- Hold annual meetings with interested parties to discuss County's goal setting process and procurement opportunities, and to provide time for any questions about working with County.

Section 26.51(d-g) Contract Goals

County will arrange solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate participation by DBEs and other small businesses and by making contracts more accessible to small businesses, by means such as those provided under § 26.39.

Section 26.53 Good Faith Efforts Procedure

Demonstration of good faith efforts (26.53(a) & (c))

The obligation of the bidder/offeror is to make good faith efforts. The bidder/offeror can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts. Examples of good faith efforts are found in 49 CFR Part 26, Appendix A.

The County DBELO is responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsive.

County will ensure that all information is complete and accurate and adequately documents the bidder/offeror's good faith efforts before we commit to the performance of the contract by the bidder/offeror.

Information to be submitted (26.53(b))

In County solicitations for DOT/FAA-assisted contracts for which a contract goal has been established, the following will be required:

1. Award of the contract will be conditioned on meeting the requirements of this section;
2. All bidders or offerors will be required to submit the following information to the recipient, at the time provided in paragraph (b)(3) of this section;
3. The names and addresses of DBE firms that will participate in the contract;
4. A description of the work that each DBE will perform. To count toward meeting a goal, each DBE firm must be certified in a NAICS code applicable to the kind of work the firm would perform on the contract;
5. The dollar amount of the participation of each DBE firm participating;
6. Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet a contract goal; and
7. Written confirmation from each listed DBE firm that it is participating in the contract in the kind and amount of work provided in the prime contractor's commitment;
8. If the contract goal is not met, evidence of good faith efforts (see 49 CFR Part 26, Appendix A) will be required. The documentation of good faith efforts must include copies of each DBE and non-DBE subcontractor quote submitted to the bidder when a non-DBE subcontractor was selected over a DBE for work on the contract; and
9. County will require that the bidder/offeror present the information required by paragraph (b)(2) of

this section: Under sealed bid procedures, as a matter of responsiveness, or with initial proposals, under contract negotiation procedures.

Provided that, in a negotiated procurement, including a design-build project , the bidder/proposer may make a contractually binding commitment to meet the goal at the time of bid submission or the presentation of initial proposals but provide the information required by paragraph (b)(2) of this section before the final selection for the contract is made by County.

Administrative reconsideration (26.53(d))

Within 5 business days of being informed by Pima County that its bid/proposal is being rejected as not responsive because it has not documented sufficient good faith efforts to meet the DBE contract goal, a bidder/proposer may request administrative reconsideration. Bidder/Proposers shall make this request in writing to the following reconsideration official: Pima County Procurement Director, 130 W. Congress 3rd Floor, Tucson, Arizona 85701. The reconsideration official will not have played any role in the original determination that the bidder/proposer did not document sufficient good faith efforts.

As part of this reconsideration, the bidder/proposer will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder/proposer will have the opportunity to meet in person with our reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do so.

County will send the bidder/proposer a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. The result of the reconsideration process is not administratively appealable to the Department of Transportation.

Good Faith Efforts procedures in situations when there are contract goals (26.53(f)(g))

County will include in each prime contract a provision stating:

The contractor shall utilize the specific DBEs listed to perform the work and supply the materials for which each is listed unless the contractor obtains County's written consent as provided in this paragraph 26.53(f); and

That, unless County consent is provided under this paragraph 26.53(f), the contractor shall not be entitled to any payment for work or material unless it is performed or supplied by the listed DBE.

County will require the contractor that is awarded the contract to make available upon request a copy of all DBE subcontracts. The subcontractor shall ensure that all subcontracts or an agreement with DBEs to supply labor or materials require that the subcontract and all lower tier subcontractors be performed in accordance with this part's provisions.

In this situation, we will require the prime contractor to obtain our prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts.

County will require that a prime contractor not terminate a DBE subcontractor listed in response to paragraph (b)(2) of this section (or an approved substitute DBE firm) without our prior written consent. This includes, but

not limited to, instances in which a prime contractor seeks to perform work originally designated for a DBE subcontractor with its own forces or those of an affiliate, a non-DBE firm, or with another DBE firm.

We will provide such written consent only if we agree, for reasons stated in our concurrence document, that the prime contractor has good cause to terminate the DBE firm. For purposes of this paragraph, good cause includes the following circumstances:

1. The listed DBE subcontractor fails or refuses to execute a written contract;
2. The listed DBE subcontractor fails or refuses to perform the work of its subcontract in a way consistent with normal industry standards. Provided however, that good cause does not exist if the failure or refusal of the DBE subcontractor to perform its work on the subcontract results from the bad faith or discriminatory action of the prime contractor;
3. The listed DBE subcontractor fails or refuses to meet the prime contractor's reasonable, non-discriminatory bond requirements.
4. The listed DBE subcontractor becomes bankrupt, insolvent, or exhibits credit unworthiness;
5. The listed DBE subcontractor is ineligible to work on public works projects because of suspension and debarment proceedings pursuant to 2 CFR Parts 180, 215 and 1,200 or applicable state law;
6. We have determined that the listed DBE subcontractor is not a responsible contractor;
7. The listed DBE subcontractor voluntarily withdraws from the project and provides to us written notice of its withdrawal;
8. The listed DBE is ineligible to receive DBE credit for the type of work required;
9. A DBE owner dies or becomes disabled with the result that the listed DBE contractor is unable to complete its work on the contract;
10. Other documented good cause that we have determined compels the termination of the DBE subcontractor. Provided, that good cause does not exist if the prime contractor seeks to terminate a DBE it relied upon to obtain the contract so that the prime contractor can self-perform the work for which the DBE contractor was engaged or so that the prime contractor can substitute another DBE or non-DBE contractor after contract award.

Before transmitting to us its request to terminate and/or substitute a DBE subcontractor, the prime contractor must give notice in writing to the DBE subcontractor, with a copy to us, of its intent to request to terminate and/or substitute, and the reason for the request.

The prime contractor must give the DBE five days to respond to the prime contractor's notice and advise us and the contractor of the reasons, if any, why it objects to the proposed termination of its subcontract and why we should not approve the prime contractor's action. If required in a particular case as a matter of public necessity (*e.g.,* safety), we may provide a response period shorter than five days.

In addition to post-award terminations, the provisions of this section apply to pre-award deletions of or substitutions for DBE firms put forward by offerors in negotiated procurements.

The County will require a contractor to make good faith efforts to replace a DBE that is terminated or have otherwise failed to complete its work on a contract with another certified DBE. These good faith efforts shall be directed at finding another DBE to perform at least the same amount of work under the contract as the DBE that was terminated, to the extent needed to meet the contract goal that the County established for the procurement. The good faith efforts shall be documented by the contractor. If the County requests documentation from the contractor under this provision, the contractor shall submit the documentation to the County within 7 days, which may be extended for an additional 7 days if necessary at the request of the

contractor, and the recipient shall provide a written determination to the contractor stating whether or not good faith efforts have been demonstrated.

County will include in each prime contract the contract clause required by § 26.13(b) stating that failure by the contractor to carry out the requirements of this part is a material breach of the contract and may result in the termination of the contract or such other remedies set forth in that section that we deem appropriate if the prime contractor fails to comply with the requirements of this section.

If the contractor fails or refuses to comply in the time specified, the County Procurement Coordinator through the Project Manager will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, the Procurement Coordinator through the Project Manager may issue a termination for default proceeding.

Sample Bid Specification:

> The requirements of 49 CFR Part 26, Regulations of the U.S. Department of Transportation, apply to this contract. It is the policy of the County to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this contract will be conditioned upon satisfying the requirements of this bid specification. These requirements apply to all bidders/offerors, including those who qualify as a DBE. A DBE contract goal of percent has been established for this contract. The bidder/offeror shall make good faith efforts, as defined in 49 CFR Part 26, to meet the contract goal for DBE participation in the performance of this contract.
>
> The bidder/offeror will be required to submit the following information: (1) the names and addresses of DBE firms that will participate in the contract; (2) a description of the work that each DBE firm will perform. To count toward meeting a goal, each DBE firm must be certified in a NAICS code applicable to the kind of work the firm would perform on the contract; (3) the dollar amount of the participation of each DBE firm participating;
> (4) Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet the contract goal; and (5) Written confirmation from each listed DBE firm that it is participating in the contract in the kind and amount of work provided in the prime contractor's commitment; (6) if the contract goal is not met, evidence of good faith efforts.

Section 26.55 Counting DBE Participation

County will count DBE participation toward overall and contract goals as provided in 49 CFR 26.55. County will not count the participation of a DBE subcontract toward a contractor's final compliance with its DBE obligations on a contract until the amount being counted has actually been paid to the DBE. If the firm is not currently certified as a DBE in accordance with the standards of subpart D of this part at the time of the execution of the contract, we will not count the firm's participation toward any DBE goals, except as provided for in 26.87(j).

SUBPART D – CERTIFICATION STANDARDS

Section 26.61 – 26.73 Certification Process

County will use the certification standards of Subpart D of Part 26 to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards. We will make our certification decisions based on the facts as a whole.

As a member of the AZUCP, County recognizes and honors certifications made by the AZUCP. For further

information about the certification process, or to apply for certification, firms should contact the County Liaison Officer or apply for DBE certification through the Arizona Department of Transportation web site. Firms may use the following link: https://utracs.azdot.gov.

For information about the certification process or to apply for certification, firms may contact:

City of Tucson - https://tucsonaz.diversitycompliance.com/ City of
Phoenix - https://phoenix.diversitycompliance.com/
Arizona Department of Transportation - https://adot.dbesystem.com/

SUBPART E – CERTIFICATION PROCEDURES

Section 26.81 Unified Certification Programs

County is the member of a Unified Certification Program (UCP) administered by The State of Arizona. The UCP will meet all of the requirements of this section.

County is not a certifying agency; therefore, Sections 26.83 through 26.89 are omitted.

SUBPART F –COMPLIANCE AND ENFORCEMENT

Section 26.109 Information, Confidentiality, Cooperation

County will ensure that entity identifying information and personal identifying information (as such terms are defined in A.R.S. § 13-2001) is secure and cannot be accessed, viewed or acquired unless authorized or required by law. County will safeguard from disclosure to third parties information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law.

Notwithstanding any provision of Federal or state law, we will not release any information that may reasonably be construed as confidential business information to any third party without the written consent of the firm that submitted the information. However, we will transmit this information to DOT in any certification appeal proceeding under §26.89 of this part or to any other state to which the individual's firm has applied for certification under § 26.85 of this part.

All participants in the Department's DBE program (including, but not limited to, recipients, DBE firms and applicants for DBE certification, complainants and appellants, and contractors using DBE firms to meet contract goals) are required to cooperate fully and promptly with DOT and recipient compliance reviews, certification reviews, investigations, and other requests for information. Failure to do so shall be a ground for appropriate action against the party involved (e.g., with respect to recipients, a finding of noncompliance; with respect to DBE firms, denial of certification or removal of eligibility and/or suspension and debarment; with respect to a complainant or appellant, dismissal of the complaint or appeal; with respect to a contractor which uses DBE firms to meet goals, findings of non-responsibility for future contracts and/or suspension and debarment).

The County, contractor, or any other participant in the program will not intimidate, threaten, coerce, or discriminate against any individual or firm for the purpose of interfering with any right or privilege secured by this part or because the individual or firm has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. If we violate this prohibition, we are in noncompliance with this part.

ATTACHMENTS

Attachment 1	Regulations: 49 CFR Part 26
Attachment 2	Organizational Chart
Attachment 3	Bidder's Interest List Collection Form
Attachment 4	Arizona DBE Directory Link
Attachment 5	Overall Goal Calculations
Attachment 6	Demonstration of Good Faith Efforts – Forms 1 & 2
Attachment 7	DBE Monitoring and Enforcement Mechanisms DBE
Attachment 8	Certification – Link to State's UCP website State's
Attachment 9	UCP Agreement
Attachment 10	Small Business Element Program
Attachment 11	Public Notice

ATTACHMENT 1

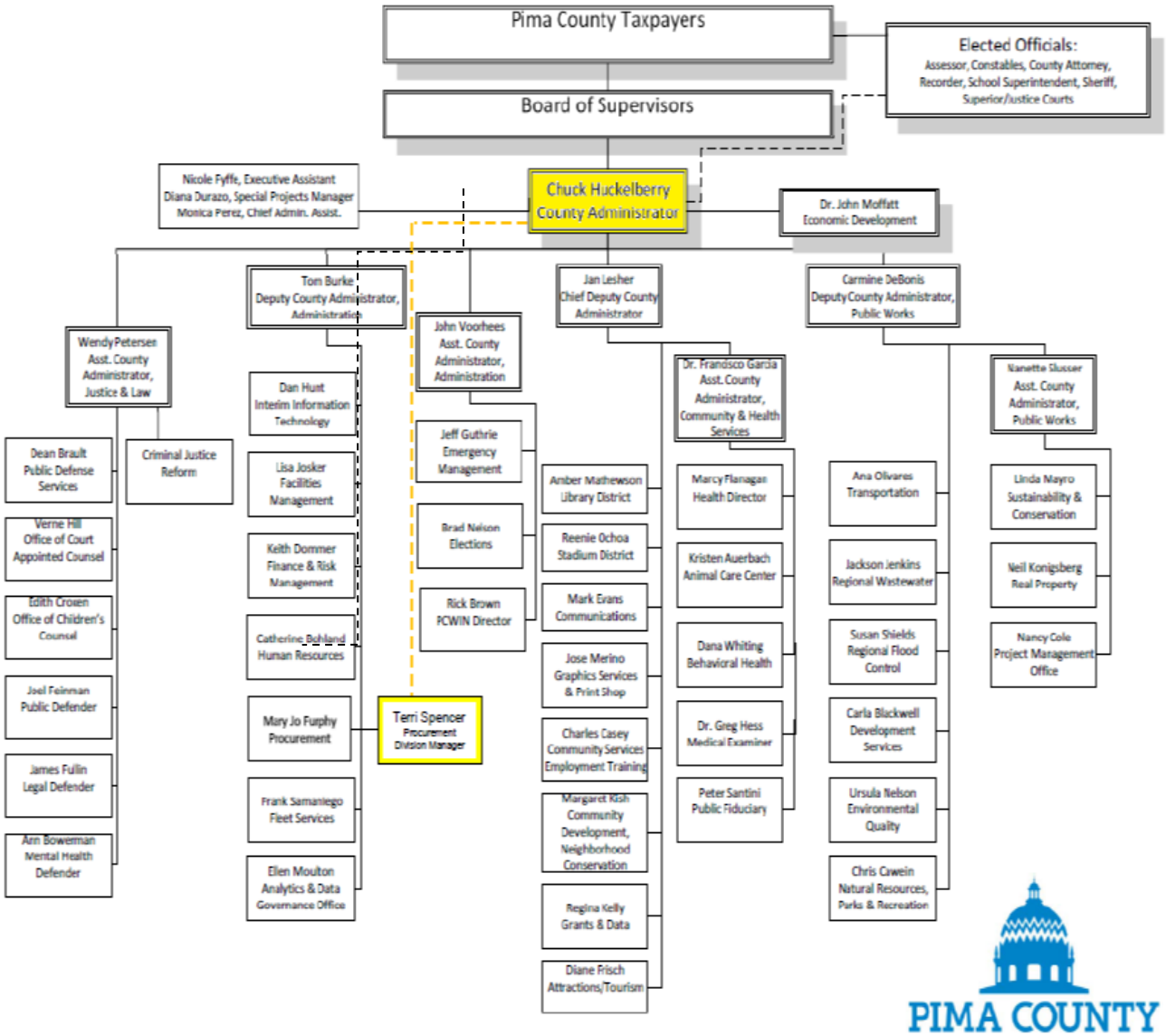
Regulations: 49 CFR Part 26

Title 49 Subtitle A Part 26

https://www.ecfr.gov/cgi-bin/text-idx?SID=69edb4528b8ac03be84fff9af9fe902f&mc=true&node=pt49.1.26&rgn=div5

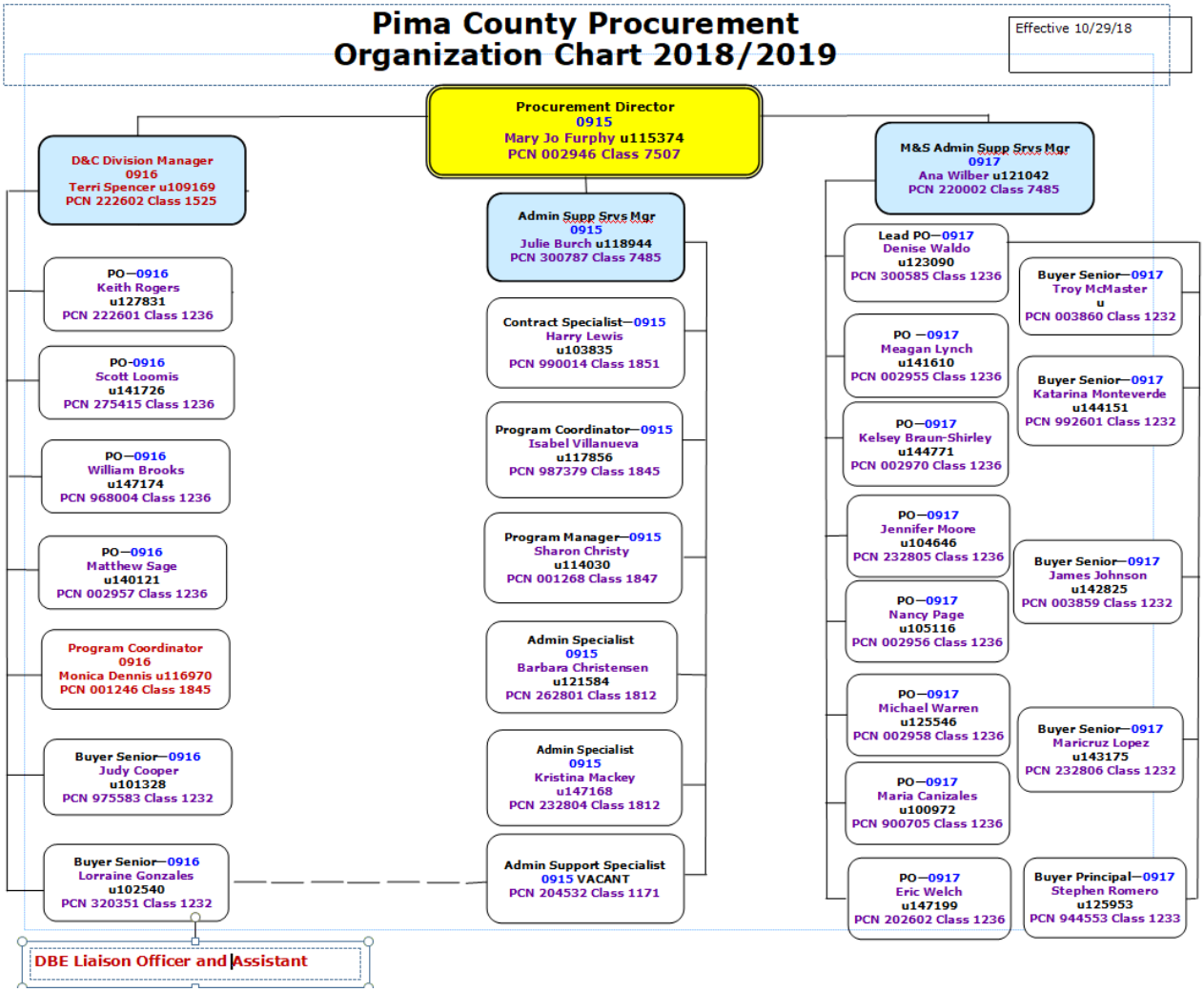
ATTACHMENT 2

Organization Charts – Page 1



ATTACHMENT 2

Organization Charts – Page 2



ATTACHMENT 3
Bidder's Interest List Collection Form

Pima County ("County") in compliance with federal regulations, is seeking to compile an interest list containing the following information about each firm who has interest in an Ajo Airport project. Please complete this form regarding your firm, and for any subcontractors, material men, or suppliers from whom you solicited interest. A copy of the current County Interest List can be obtained from Monica Dennis, Business Enterprise Program Coordinator via phone at 520-724-3807 or via email at Monica.Dennis@pima.gov.

Firm understands and agrees that the following information will be published and made available to interested parties upon request (please check one): ____ Yes ____ No

Name of Firm:_____

Contact Person:_____

Address of Firm:_____

Telephone:_____

Fax:_____

Email Address:_____

Specialty of Firm:_____

Is the firm currently certified as a Disadvantaged Business Enterprise ("DBE") and/or Small Business Enterprise ("SBE") by any Partner(s) of the Arizona Unified Certification Program (City of Tucson, City of Phoenix, Arizona Department of Transportation)?

DBE: _____Yes _____No

SBE: _____Yes _____No

If yes, please state from which certifying agency the firm received its certification:_____

Age of firm (number of years since commencing business):_____

Annual gross receipts of the firm:

_____Less than $500,000

_____$500,000 - $999,999

_____$1,000,000 - $1,999,999

_____$2,000,000 - $4,999,999

_____$5,000,000 - $9,999,999

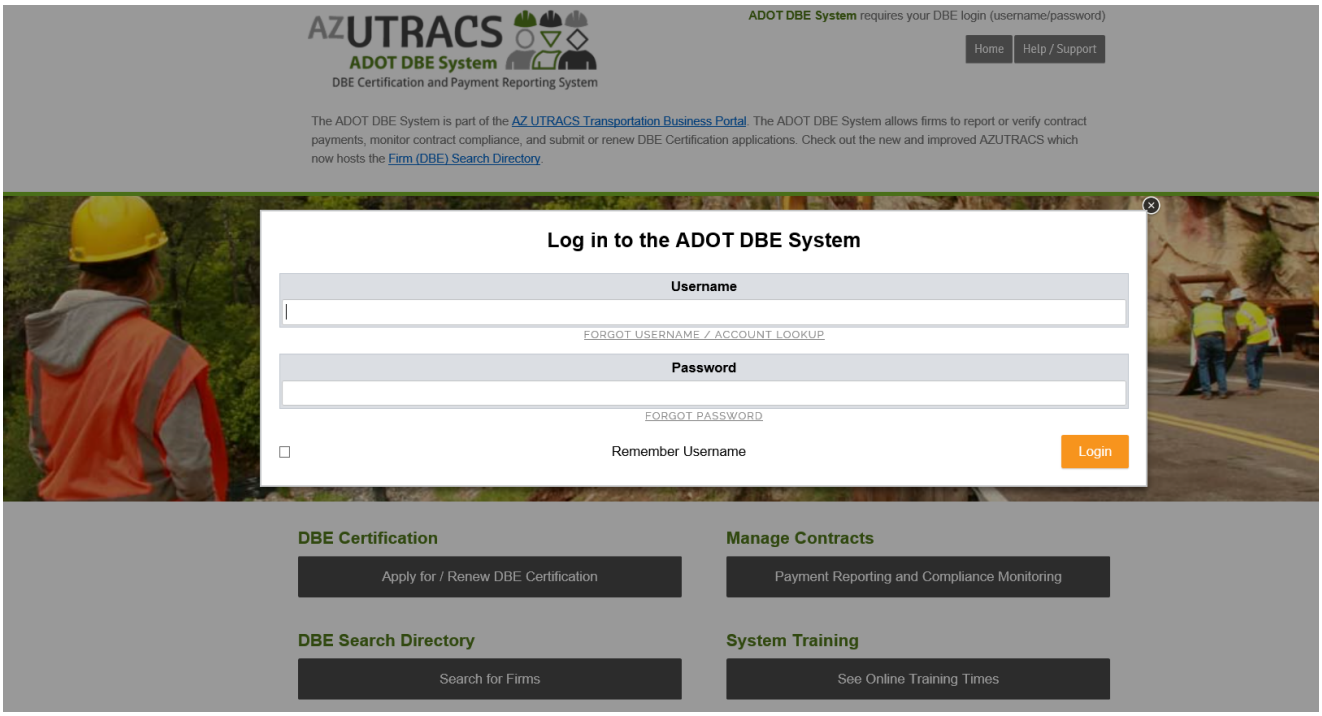
_____$10,000,000 - $14,999,999

_____$15,000,000 - $20,000,000

_____Over $20,000,000

ATTACHMENT 4
Arizona DBE Directory

The current Arizona DBE Directory can be accessed online at https://utracs.azdot.gov/Search



ATTACHMENT 5

Section 26.45: Overall DBE Three-Year Goal Methodology

Pima County ("County"), as a recipient of funds administered by the United States Department of Transportation for use on approved airport projects, is required to develop goals for participation of disadvantaged business enterprises ("DBEs") in those projects. The goal is expressed in terms of a percentage of DOT assisted contracts awarded by County that are paid to DBEs.

County anticipates awarding approximately $1,475,172.00 in federal funds for projects at Eric Marcus Airport Project during Fiscal years 2019-2021.

Methodology. The first step in developing a goal is identifying the marketplace from which County obtains its contractors. The second step is to determine the general availability of DBEs in that marketplace doing the kind of work for which COUNTY will be contracting on federally funded projects during this fiscal year. The final step is to refine that base figure as appropriate to arrive at the overall goal.

Marketplace. Based on County's existing bidders list, over half of the bidders that have expressed an interest in County projects come from Pima County, which includes the Tucson metropolitan area. The remainder come from the State of Arizona (primarily from Maricopa County, which includes the Phoenix area). Only a very small percentage are from out of state. County enters into agreements, on federally funded projects, in the areas of construction as well as professional services such as architectural/engineering services, surveying, and environmental consulting. The relevant market for which we must determine DBE availability is for these types of businesses within the state of Arizona as a whole.

Base Availability Figure. In order to determine general DBE availability within County's marketplace, County, in accordance with DOT regulations, relies primarily on relevant DBE directories, and census bureau data.

As described in DOT regulations, one method is to express the number of DBEs available to County as a percentage of the firms available in the relevant market area, based on census information obtained from the NAICS codes. After consultation with FAA representatives, it has become apparent that the following method is the most appropriate for County in determining DBE availability.

Each DBE business in the AZ Unified Certification Program (UCP) directories indicates a work specialty. Because out-of-state certified DBEs have performed only minimal work at Eric Marcus Municipal Airport, only in-state contractors were considered in the analysis. The number of DBEs in each specialty was then compared to statewide registered businesses having a similar NAICS code listing. This statewide analysis of registered businesses was obtained from the NAICS County Business Patterns Code Comparison.

To obtain an overall base figure we then totaled the number of "DBE" businesses in those specialties in which County intends to perform work for federally funded projects in fiscal years 2019-2021. This number was 274 (numerator). We then totaled the "TOTAL BUSINESSES" in these same codes (obtained from the NAICS listings). This number was 2,761(denominator). By dividing 274 by 2,761 results in a base figure of 9.92%.

Adjustment.

County does not intend to adjust the base figure of 9.92% to give consideration of area experience regarding DBE availability and participation since this figure is an estimate of the general availability of DBEs in the relevant marketplace. County is developing a DBE program for FAA-funded projects for the first time and does not have statistics on DBE past participation for those types of projects.

Based on these factors, we have concluded that a reasonable aspirational goal for County for DBE participation would be approximately 9.92%. After seeking public participation as discussed hereafter, we set County's overall goal at 9.92% for each of the fiscal years beginning on October 1, 2019 and running through September 30, 2021. We will express our contract goals as a percentage of the total amount of a DOT-assisted contracts awarded.

The DBE Rule specifies that DBE goals must be met by implementation of race-neutral means as much as possible. The County will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation:

Based on the Ninth Circuit Court of Appeals decision in *Western States Paving v. Washington State Department of Transportation*, County has implemented a race-neutral program to meet the overall goal of 9.92% Since eliminating race-conscious measures in its DBE program in response to *Western States*, County intends to meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation, and expects to build on its successful race-neutral outreach program in order to meet its goals.

For reporting purposes, race-neutral DBE participation includes, but is not necessarily limited to, the following: DBE participation through a prime contract a DBE obtains through customary competitive procurement procedures and DBE participation through a subcontract on a prime contract that does not carry a DBE goal.

Goal Publication

County will publish a notice announcing our proposed overall goal on its official internet web site at www.pima.gov/procure and the FAA Matchmaker system https://faa.dbesystem.com/Default.asp, advertised in the legal notices of the Daily Territorial, and distributed via email to interested parties including the Arizona Transportation Builders Association and the Alliance of Construction Trades. If the proposed goal changes following review by the operating administration, the revised goal will be posted on the County official internet web site. County will inform the public that the proposed overall goal and its rationale are available for inspection during normal business hours at our principal office and that the County and DOT/FAA will accept comments on the goals for 30 days from the date of the notice. Notice of the comment

period will include the addresses to which comments may be sent (including offices and websites) where the proposal may be reviewed.

Overall Goal.

After considering all of the above, County's overall aspirational goal for the fiscal years 2019-2021 is 9.92%.

County Race-Neutral Activities.

County will meet its overall goal by using race-neutral means of facilitating DBE participation. As a responsible corporate citizen, County encourages DBE participation to the extent reasonably possible and consistent with other legal requirements. The following measures are being taken with respect to all contracting and purchasing opportunities:

- Plan or participate in community outreach activities for the purpose of informing potential contractors of available business opportunities. Examples of past participation activities are:

  DBE Networking

  Sponsored by Arizona Department of Transportation

  Reverse Vendor Trade Show

  Sponsored by National Institute of Governmental Purchasing-Copper Chapter

  Southern Arizona Procurement Fair

  Sponsored by Davis-Monthan Air Force Base, Pima County Procurement and City of Tucson Housing & Community Development

  Annual SBDC Veterans Conference

  Sponsored by Small Business Development Council

- Maintain a DBE Directory, through the AZUCP, as a source of identifying all DBEs currently certified by City of Tucson; provide access information to the DBE Directory to prospective proposers and contractors at all pre-submittal and pre-bid meetings; and provide access information to the DBE Directory with all solicitation documents.

- Make plans and specifications available for inspection by contractors at no cost during regular office hours of County.

- Establish prompt payment clauses in all contracts to facilitate the receipt of timely progress payments by subcontractors for work completed, following requests for payment.

- Include instructions for obtaining DBE certification applications and instructions in all proposal and bid documents.

- Maintain an "Interest List" of all consultants, contractors and suppliers who have expressed an interest in contracting with County. The list will identify the DBE status of the firm. The interest list is made available at all outreach activities and at all pre-submittal and pre-bid meetings.

- Utilization, when possible, of intergovernmental purchasing agreements that incorporate participation of DBE's, such as: State of Arizona procurement, Mohave Educational Services Cooperative and Western States Contracting Alliance.

- Links on the County website that contains all contracting and procurement opportunities.

- Links on the County website, which will enable access to the AZUCP website, which contains the DBE Directory, DBE certification application and instructions; contact information for certifying agencies; Arizona DBE calendar for training and special events.

- Advertisements of procurements are published in The Daily Territorial and Arizona Daily Star and the FAA Matchmaker System.

- Hold meetings as required with interested parties to discuss County's goal setting process; procurement opportunities; and to provide time for any questions about working with County.

ATTACHMENT 6
Demonstration of Good Faith Efforts
Forms 1 & 2

(This page intentionally left blank)

PIMA COUNTY

STATEMENT OF PROPOSED DBE UTILIZATION

****Note: This form must be filled out completely****

PROJECT NO. & NAME:					
COMPANY NAME	CONTACT PERSON	PHONE NO.	TRADE/MATERIALS	DOLLAR AMOUNT	% OF AGREEMENT AMOUNT
				$ -	0.00%
				$ -	0.00%
				$ -	0.00%
				$ -	0.00%
				$ -	0.00%
				$ -	0.00%
				$ -	0.00%
				$ -	0.00%
TOTAL AGREEMENT AMOUNT	$ -		TOTAL DBE UTILIZATION DOLLAR & PERCENT AMT	$ -	0.00%

I hereby certify by signing below that the foregoing DBE firms shall be contracted to work on the trades identified above and/or supply material and/or equipment for this project. The information shown above is a true reflection of the proposed DBE utilization. **Only certified Disadvantaged Business Enterprises currently certified by Arizona Department of Transportation, City of Phoenix, and City of Tucson are eligible to be counted towards DBE utilization on this project.**

FIRM NAME:

PRINTED NAME & TITLE:

SIGNATURE: DATE:

PIMA COUNTY

Use of Form: This form is a suggested format that meets the solicitation information required by 49 CFR Part 26.53. Sponsors may use other formats provided their solicitation bid documents require the information addressed within §26.53.

LETTER OF INTENT

Disadvantage Business Enterprise

(This page shall be submitted for each DBE firm)

Bidder/Offer Name:_____

Address:_____

City:_____ State:_____ Zip:_____

DBE Firm: DBE Firm:_____

Address:_____

City:_____ State:_____ Zip:_____

DBE Contact Person: Name:_____ Phone: (____)_____

DBE Certifying Agency: _____ Expiration Date:_____

Each DBE Firm shall submit evidence (such as a photocopy) of their certification status.

Classification: ☐Prime Contractor ☐Subcontractor ☐Joint Venture ☐Manufacturer ☐Supplier

Work item(s) to be performed by DBE	Description of Work Item	Quantity	Total

The bidder/offeror is committed to utilizing the above-named DBE firm for the work described above. The estimated participation is as follows:

DBE contract amount: $_____Percent of total contract:_____%

AFFIRMATION:

The above-named DBE firm affirms that it will perform that portion of the contract for the estimated dollar value as stated herein above.

By: _____

(Signature) *(Title)*

* In the event the bidder/offeror does not receive award of the prime contract, any and all representations in this Letter of Intent and Affirmation shall be null and void.

Attachment 6 page 2

ATTACHMENT 7
DBE Monitoring and Enforcement Mechanisms

County has available several remedies to enforce the DBE requirements contained in its contracts, including, but not limited to, the following:

1. Breach of contract action, pursuant to the terms of the contract.

In addition, the Federal government has available several enforcement mechanisms that it may apply to firms, including, but not limited to, the following:

1. Suspension or debarment proceedings pursuant to 49 CFR Part 26
2. Enforcement action pursuant to 49 CFR Part 31
3. Prosecution pursuant to 18 USC 1001.

ATTACHMENT 8
DBE Certification –
Links to AZUCP Partners Websites

In the Tucson area, contact the City of Tucson

City of Tucson
Department of Procurement
255 W. Alameda, 6th Floor
P.O. Box 27210
Tucson, AZ 85701
520.837.4000

https://www.tucsonaz.gov/procurement/disadvantaged-business-enterprise-dbe

---

In the Phoenix area, contact the City of Phoenix

City of Phoenix
Equal Opportunity Department
Business Relations Division
200 W. Washington St.
Phoenix, AZ 85003
602.262.6011

https://www.phoenix.gov/eod/programs/sbecertprograms

Outside of the Tucson and Phoenix area, contact Arizona Department of Transportation

Arizona Department of Transportation
Business Engagement and Compliance
Office 1801 W. Jefferson #101
Phoenix, AZ 85007
602.712.7761

https://utracs.azdot.gov/

ATTACHMENT 9
State's UCP Agreement

PIMA COUNTY
PROCUREMENT

PIMA COUNTY PROCUREMENT DEPARTMENT
130 WEST CONGRESS, 3rd FLOOR
TUCSON, AZ 85701-1207
PHONE: (520) 724-8161

December 5, 2018

RE: **Arizona Unified Certification Program**

To whom it may concern,

This letter is to attest that Pima County is a non-certifying member of the Arizona Unified Certification Program (AUCP).

Sincerely,

Mary Jo Furphy, CPPO
Procurement Director
Pima County Procurement

ATTACHMENT 10
Small Business Element

1. **Objective/Strategies**
   As part of this program element, Pima County will implement the following strategies:
   - On prime contracts not having DBE contract goals, requiring the prime contractor to provide subcontracting opportunities of a size that small businesses, including DBEs, can reasonably perform, rather than self-performing all the work involved.
   - When feasible and practical, establish a race-neutral small business set-aside for prime contracts under $1 million when there are no DBE contract goals.
   - Provide information on resources to assist and support small businesses in the community.
2. **Definition**
   - DBE firms are eligible under the County small business program.
   - The small business standard is consistent with 49 CFR 26.5 and must be no larger than the Small Business Administration's size standards. DBE firms and small firms eligible for the program should be similarly sized to reduce competitive conflict between DBE and non-DBE firms.
3. **Verification**
   - All small business enterprises must be certified under the Arizona UCP program. The County will document proper certifications and will refer to the State or other proper authority any concerns of potential/suspected fraudulent certifications.
4. **Monitoring/Record Keeping**
   - The County will track contracts by both DBE and SBE status.
   - Small Business element will be tracked by the DBELO.
5. **Assurance**
   The County makes the following assurances:
   - This program is authorized under state law.
   - Certified DBEs that meet the size criteria established under the program are presumptively eligible to participate in the program and will be determined under the guidelines of the Arizona UCP program.
   - No geographic preferences or limitations will be imposed on any federally- assisted procurement included in the program.
   - There is no limit on the number of contracts awarded to firms participating in the program but that efforts will be made to avoid creating barriers to the use of new, emerging, or untried businesses.
   - Steps will be taken to encourage those minority and women owned firms that are eligible for DBE certification to become certified.
   - The program is open to small businesses regardless of their locations (i.e., that there is no local or other geographic preference).