

# **REQUEST FOR PROPOSALS**

## **MARICOPA ASSOCIATION OF GOVERNMENTS (MAG) CAVE CREEK/CAREFREE TRANSPORTATION FRAMEWORK STUDY**



**in association with**

**MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION  
TOWN OF CAVE CREEK  
TOWN OF CAREFREE**

**November 13, 2012**

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## **PUBLIC NOTICE**

### **REQUEST FOR PROPOSALS:**

#### **FY 2013 CAVE CREEK/CAREFREE TRANSPORTATION FRAMEWORK STUDY**

The Maricopa Association of Governments (MAG) is requesting proposals from qualified consultants for the FY 2013 Cave Creek/Carefree Transportation Framework Study. The study area includes the Town of Cave Creek, the Town of Carefree, and some neighboring communities on the southern edge. This study will develop a near term and a long term transportation framework for the study area that will ultimately be implemented at multiple jurisdictional levels. The project will be completed in a maximum of eighteen months from the date of the notice to proceed at a cost not to exceed \$250,000.

Detailed proposal requirements may be obtained by contacting the MAG Office at the address indicated below or may be downloaded from [www.azmag.gov](http://www.azmag.gov), under "RFPs and RFQs" For further information, please submit questions in writing by fax to the attention of Eileen Yazzie at (602) 254-6490, or by e-mail to [eyazzie@azmag.gov](mailto:eyazzie@azmag.gov) and [aoeschak@azmag.gov](mailto:aoeschak@azmag.gov) not later than eight (8) working days prior to the closing date of January 23, 2013. Any addenda responding to questions will be posted on MAG's website at [www.azmag.gov](http://www.azmag.gov) under "RFPs and RFQs" not later than five (5) working days prior to the closing date of January 23, 2013.

Proposals will be accepted until 11:00 AM MST (Mountain Standard Time) on January 23, 2013, at MAG, 302 North First Avenue, Suite 300, Phoenix, AZ 85003. MAG's business hours are 8:00 AM to 5:00 PM, MST, Monday through Friday.

**Maricopa Association of Governments Request for Proposals – Cave Creek/Carefree Transportation Framework Study**

**SCOPE OF SERVICES**

**Introduction**

The Maricopa Association of Governments (MAG) is requesting proposals from qualified consultants for the Cave Creek/Carefree Transportation Framework Study.

Disadvantaged Business Enterprise (DBE) Goal/Commitment and Documentation:

DBE goal of 12.53% has been established on this contract. The Proposer is encouraged to obtain DBE participation above and beyond the goal on this project. See Appendix G for all DBE requirements.

All Proposers are required to submit with their proposal DBE Consultant and DBE Subconsultant Affidavits **OR** a Good Faith Effort Certificate (Appendix H & I or J).

**Background**

MAG is the designated Metropolitan Planning Organization (MPO) for transportation planning for the metropolitan Phoenix area. MAG is also the designated Air Quality Planning Agency for the region. The MAG membership consists of the 25 incorporated cities and towns within Maricopa County and the contiguous urbanized area, the Gila River Indian Community, the Salt River Pima-Maricopa Indian Community, Fort McDowell Yavapai Nation, Maricopa County, the Arizona Department of Transportation (ADOT), and the Citizens Transportation Oversight Committee (CTOC). ADOT and CTOC serve as ex-officio members for transportation-related issues.

The Maricopa Association of Governments (MAG) is requesting proposals from qualified consultants for the Cave Creek/Carefree Transportation Framework Study. The study area includes the Town of Cave Creek, the Town of Carefree, and some neighboring communities on the southern edge. This study will develop a transportation framework for the study area that will ultimately be implemented at multiple jurisdictional levels.

The study area incorporates a variety of development patterns including master planned communities and traditional rural development patterns. Both towns have unique and distinctive attributes that will need to be acknowledged, yet integrated together to form a seamless transportation framework.

The study will inventory existing conditions, identify deficiencies, forecast needs, develop transportation policy, and identify and analyze alternative solutions that will integrate alternative non-motorized transportation, safety, special events traffic management, mobility, and access for the residents of Cave Creek and Carefree, and visitors throughout the Study Area. The final product of this study is to develop a comprehensive transportation master plan that will guide the development of the towns and the region for the future.

The study's main objectives are to integrate pedestrian/bicycle non-motorized transportation into existing corridors in a safe manner, determine improvements and develop a plan to address special events traffic, address local and regional mobility, and consider access-management issues, while understanding the communities' values and future transportation needs.

MAG and its partners have completed or are in the process of completing several studies that are relevant to this project. Some of those studies include: the Town of Cave Creek Bike Study, Carefree General Plan, Cave Creek General Plan, Cave Creek Revised Town Core Plan, Carefree Highway Access Management and Corridor Improvement Study, Carefree Highway Scenic Corridor Study, Cave Creek Trail Plan, Carefree Traffic Study, and the Cave Creek Hydrology and Drainage Plan.

## **Maricopa Association of Governments Request for Proposals – Cave Creek/Carefree Transportation Framework Study**

This project will develop a transportation plan for the Cave Creek/Carefree planning area that will ultimately be implemented at multiple jurisdictional levels. The project is estimated to take eighteen months to complete from the notice to proceed at a cost not to exceed \$250,000.

Funding for the study is being provided by MAG, Maricopa County Department of Transportation (MCDOT), Town of Cave Creek, and the Town of Carefree. The study will be conducted in cooperation with the Arizona Department of Transportation, Federal Highway Administration, Maricopa County Sheriff Office (MCSO) - District IV, City of Scottsdale, City of Phoenix, Tonto National Forest, Arizona State Lands, and Arizona Fish and Game Department.

### **Proposed Tasks**

In preparing a proposal for consideration by MAG, the CONSULTANT should go beyond the study intent specified above in order to fully identify all opportunities and strategies for improving the existing transportation system in the area to a multi-modal system that focuses on safety, while addressing the character of the area, and special event activities.

The CONSULTANT is encouraged to be creative in developing a sound, realistic, analytical approach which achieves the goals for this project. The CONSULTANT is urged to be as specific as possible when describing the activities that will be performed to support each task. The CONSULTANT is also urged to make maximum use of graphics, maps, matrices, tables, and drawings in working papers produced for the project to ensure conciseness and clarity and to minimize the amount of text required. In preparing a proposal for consideration by MAG, the CONSULTANT will not be required to be limited to the proposed tasks specified below; based upon professional experience, additional tasks may be warranted.

MAG and Town staff have developed the following preliminary scope of work for developing a transportation framework plan for the Towns of Cave Creek and Carefree planning area. It is requested that interested CONSULTANTS submit a work program and project using this preliminary scope of service as a basis for their proposal.

#### **Task 1                      Refine Scope of Work, Project Schedule, Project Management Plan, and Study Area**

The CONSULTANT will hold a kick-off meeting and refine the Scope of Work and project schedule, and also prepare a project management plan that includes the appropriate quality assurance measures. In addition, throughout the course of this project, inquiry and discussion may result in some revisions to the Scope of Work and Project Schedule. As necessary, the CONSULTANT will refine the Scope of Work for this project based upon professional experience and input from MAG. The CONSULTANT will prepare documentation of any such revision, including a revised labor/dollar allocation and project task cost breakdown, and submit the revision to MAG for approval. This work will be performed under the general direction of the MAG project manager.

Deliverable:                      Study Work Plan

**Maricopa Association of Governments Request for Proposals – Cave Creek/Carefree Transportation Framework Study**

Task 2 Planning Process Coordination, Monitoring, and Public Involvement Plan

Effective communication and understanding of the community will be essential for the success of this study. Under this task, the CONSULTANT will engage agency staff and the general public in the planning process.

For each of the study's work tasks (when applicable), identify appropriate outreach activities and a detailed strategy for their implementation. Identify the roles and responsibilities of the CONSULTANT, lead agencies, and study partners, and indicate how the information acquired during each activity will be applied to the study. Proposers are encouraged to identify additional tools and opportunities to encourage effective public and agency involvement in the study process. Document the findings that result from public involvement events in one or more Public Involvement Summaries. The CONSULTANT will be responsible for the majority of the public outreach efforts, with assistance from MAG staff and the Project Management Team. Activities under this task will include the following:

- Prepare and implement a proactive public involvement program. The program should provide opportunities for obtaining input from and presenting study findings to Cave Creek/Carefree residents, elected officials, Town Council meetings, Town staff, non-profit transit providers, and the business community. Elements of the public involvement program should include the following: stakeholder interviews, including engaging communities of concern; community workshops, including local businesses; special events survey to gauge visitor perceptions about parking, traffic, and event transportation options; participation in existing public forums and social media; fact sheets or newsletters; presentation materials; and a final project brochure for distribution.
- Establish and support a Project Management Team (PMT), composed of staff from MAG, the Town of Cave Creek, the Town of Carefree, Maricopa County Department of Transportation, and the City of Phoenix. The PMT will meet regularly to provide input and review work products.
- The CONSULTANT will provide briefings and presentations and written summaries of all meetings to the two Towns, MCDOT, and MAG committees.

Deliverable: Working Paper #1 - Public Involvement Plan  
Public Involvement Summaries

Task 3 Data Collection and Forecasting

Conduct an inventory of existing and forecasted future conditions within the Town of Cave Creek and Town of Carefree's planning area. General activities under this task include a review and summarization of the following elements:

- Study partners and other affected interests.
- Study area socioeconomic and demographic characteristics.
- Current land use patterns and right of way situation on major arterials.
- The physical and cultural environment of the study area including drainage and floodways.
- Special events held in Carefree and Cave Creek, historical attendance, and transportation impacts.

## Maricopa Association of Governments Request for Proposals – Cave Creek/Carefree Transportation Framework Study

- Relevant transportation, multi-modal, and land use studies, plans and reports across the local, subarea, and region that relate to the tasks for this study (e.g. the Town of Cave Creek Bike Study, Carefree General Plan, Cave Creek General Plan, Carefree Highway Access Management and Corridor Improvement Study, etc.).
- Regional travel demand forecasts from the MAG TransCAD model (available forecast years include 2010, 2015, 2021, 2025, 2031).
- Town of Cave Creek and Town of Carefree circulation element goals, policies, and design standards.
- Multi-modal transportation elements currently in existence/operation including: transit, bicycle/pedestrian, freight, ITS, regional connector, etc.).
- Safety assessment of current transportation system by a strength, limitation, opportunities, and threats (SLOT) analysis.

Existing, future conditions, and analysis will be presented to the PMT for review and comment prior to the development of alternatives. The CONSULTANT will prepare written summaries following all meetings, to be provided to MAG staff and the Project Management Team.

Deliverable: Working Paper #2 - Existing and Future Conditions

### Task 4 Goals, Objectives and Evaluation Methodology

The CONSULTANT team will work with members of the PMT and stakeholders to finalize the project's goals and objectives and develop an evaluation methodology for developing the Near Term and Long Range Transportation Frameworks.

Deliverable: Working Paper #3 - Goals, Objectives and Evaluation Methodology

### Task 5 Develop Transportation Frameworks: Near Term and Long Range

The CONSULTANT will develop two transportation framework alternatives for the near term (5-10 years) and long range time frames based on needs and deficiencies identified in Task 4, while incorporating the goals, objectives and evaluation methodology established in Task 4.

This analysis will include an identification of transportation improvements including, but not limited to: arterials, bicycle/pedestrian, transit, safety, intelligent transportation systems, operations, and their application within the study area. The evaluation of needs will also consider both local circulation and opportunities to connect with the existing and planned regional multi-modal transportation system.

Both the Near Term and Long Range Framework should include a planning level description of the general location, functional classification, and capacity of new facilities, as well as improvements to existing roads. The frameworks will need to include short and long term special event operation and parking plans, and an overall intelligent transportation system (ITS) plan as appropriate. Whenever possible, identify the jurisdictions responsible for implementing the various aspects of each alternative.

Frameworks will be presented to the PMT for review and comment prior to conclusion. The CONSULTANT will prepare written summaries following all meetings, to be provided to MAG staff and the Project Management Team.

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Deliverable: Working Paper #4 - Transportation Frameworks

Task 6 Develop Transportation Policies and Standards

Task 6 will develop transportation policies and standards for the study area. This will include, but is not limited to:

- Right-of-way considerations and solutions
- Street cross-sections
- Transit amenities
- Bikeways
- Pedestrian facilities
- Operations and maintenance of transportation facilities (bike lanes, ITS operations, pavement replacement, striping, etc.)

Recommendations will be presented to the PMT for review and comment prior to the development of final transportation policy and standards.

Deliverable: Working Paper #5 - Transportation Policies and Standards

Task 7 Financial Analysis

Based on the needs identified in Task 5 and 6, the CONSULTANT will perform a financial analysis that includes funding options and the various costs for suggested Near Term and Long Range Frameworks. The analysis will include the following components:

- Typical costs of types of improvements identified in Task 5 and 6, including special event transportation recommendations.
- An overall cost estimate of the Near Term and Long Range Frameworks.
- Funding strategies and opportunities, including potential local, regional, state, and federal funding options.

Deliverable: Working Paper #6 - Financial Analysis

Task 8 Develop Transportation Framework Recommendations

Based on completion of previous Tasks, and with consideration of PMT, stakeholder and public input, develop the Transportation Framework Recommendation for the Cave Creek/Carefree area.

Upon approval of the recommendations, the CONSULTANT will coordinate with the PMT to develop a prioritized program of specific key elements that would be essential to the success of the recommended plan. This program should include (as appropriate) corridor definitions, construction projects, policies, strategies, and standards used to establish minimum design criteria for transportation facilities, and assignment of jurisdictional responsibility, and other tasks.

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Identify current and future sources and mechanisms of funding that may be available for the implementation of the network, please include nontraditional options; public/private partnerships, regional taxation, special districts, etc.

Document the study and its final recommendations in a final report, and in an abbreviated form in an executive summary.

Deliverable: Final Report and Executive Summary

Task 9 Study Record

Assemble all final products from the study tasks into a complete study record, both print and electronic formats, including text components in Microsoft Word, and jpg formats of photos, maps, and graphics.

**Deliverable Products**

The products of this project are listed below. Each working paper should present information in a succinct manner with extensive use of tables, matrices and drawings. The working papers ultimately will be consolidated into a final report. An administrative draft of each working paper will be submitted in both electronic and hard copy format to the MAG project manager for review. Comments from the MAG project manager will be incorporated into the working paper by the CONSULTANT, before it is distributed for external review. Comments received during the external review process will be incorporated into the working paper by the CONSULTANT, which will then become a chapter in the draft final report.

Study Work Plan

Working Paper 1 Public Involvement Plan & Public Involvement Summaries

Working Paper 2 Existing and Future Conditions

Working Paper 3 Goals, Objectives and Evaluation Methodology

Working Paper 4 Transportation Frameworks

Working Paper 5 Transportation Policies and Standards

Working Paper 6 Financial Analysis

Final Report and Executive Summary

Study Record

**Maricopa Association of Governments Request for Proposals – Cave Creek/Carefree  
Transportation Framework Study**

**PROPOSAL REQUIREMENTS**

**Project Schedule and Cost**

The estimated time frame for this project is eighteen months from the date of the notice to proceed, with intermediate deliverables due in accordance with the schedule as agreed to between MAG and the Proposer(s) at a cost not to exceed \$250,000. The date of the notice to proceed is anticipated to be March 2013.

**Proposal Delivery and Opening**

1. Seven (7) copies of the proposal must be submitted by 11:00 AM Mountain Standard Time (MST) on January 23, 2013. MAG's business hours are 8:00 AM to 5:00 PM, MST, Monday through Friday.

Maricopa Association of Governments  
Attention: Eileen Yazzie  
302 North First Avenue, Suite 300  
Phoenix, AZ 85003

Timely receipt of proposals will be determined by the date and time the proposal is received at the above address. Hand delivery is therefore encouraged. No late submissions, facsimile, or electronic submissions will be accepted.

Proposals will be opened publicly and the name of each entity submitting a proposal will be read at 11:05 AM MST on January 23, 2013 at the MAG Offices, Palo Verde Room, 302 North First Avenue, Suite 200 Phoenix, AZ 85003.

All material submitted in response to this solicitation becomes the property of MAG and will not be returned. After contract award, the proposals shall be open for public inspection except to the extent that the withholding of information is permitted or required by law. If the Proposer designates a portion of its proposal as confidential, it shall isolate and identify in writing the confidential portions in accordance with Arizona Administrative Code R2-7-103; which shall be included in the proposal. Upon receipt of your written notification, MAG will review any portions of the proposal that the Proposer considers to be confidential and then make a determination on what should be released. MAG will also notify the Proposer in writing of the determination and provide the Proposer an opportunity to respond to the decision prior to releasing the proposal.

2. Any questions regarding this Request for Proposals should be submitted in writing to Eileen Yazzie by fax at (602) 254-6490 or by email at [eyazzie@azmag.gov](mailto:eyazzie@azmag.gov) and [aoeschak@azmag.gov](mailto:aoeschak@azmag.gov) no later than eight (8) working days prior to the closing date of January 23, 2013. Responses to questions submitted will be posted on the MAG website at <http://www.azmag.gov> under "RFPs and RFQs" not later than five (5) working days prior to the closing date of January 23, 2013. Additional information regarding MAG activities, including Committee meeting schedules, may be found on the MAG Web site <http://www.azmag.gov>.
3. A Proposer's conference for the project has been scheduled for January 9, 2013 at 2:00 PM, at the MAG Office, Cottonwood Room, Suite 200, 302 North First Avenue, Phoenix, AZ. If you wish to receive notes from the Proposer's conference and a list of attendees, please contact the MAG project manager by email at [eyazzie@azmag.gov](mailto:eyazzie@azmag.gov).
4. ADOT Supportive Services will host a DBE and Prime Consultant Networking Event scheduled for Wednesday, November 28, 2012, 9:00 AM - 11:00 AM, at the MAG Office, Ironwood Room, Suite 200, 302 North First Avenue, Phoenix, AZ. The purpose of this event is to outline MAG's requirements for DBE utilization and documentation, and encourage relationships between potential prime consultants and DBE firms ready, willing, and able to perform work on the project. For event information or assistance, please contact Jeremy Bader, Kuniklo Corporation, 623-505-4855, Ext. 1, or [Jeremy@kuniklo.com](mailto:Jeremy@kuniklo.com).

## **Maricopa Association of Governments Request for Proposals – Cave Creek/Carefree Transportation Framework Study**

### **Proposal Content**

It is required that the proposal:

1. Be limited to a maximum length of thirty (30) pages, not including a cover letter, tabs, résumés, and any appendices. The cover letter must be signed by a party authorized to bind the entity submitting the proposal to a contract. Blank pages are not included in the total page count.
2. Be prefaced by a brief statement describing the Proposer's organization and outlining its approach to completing the work required by this solicitation. This statement shall illustrate the Proposer's overall understanding of the project.
3. Contain a work plan which concisely explains how the Proposer will carry out the objectives of the project. In the work plan, the Proposer shall describe each project task and proposed approach to the task as clearly and thoroughly as possible.
4. Include a preliminary schedule for the project in bar-chart format. Indicate all work plan tasks and their durations. The schedule shall clearly identify project deliverable dates.
5. Contain a staffing plan for the project. The plan shall include the following in table format:
  - a. A project organization chart, identifying the project manager.
  - b. Names of key project team members and/or Subconsultants. Only those personnel who will be working directly on the project should be cited.
  - c. The role and responsibility of each team member.
  - d. Percent effort (time) of each team member for the contract period.
  - e. The role and level of MAG technical staff support, if any.
6. Include résumés for major staff members assigned to the project. These résumés should focus on their experience in this type of project.
7. Include Proposer's recent experience (last five years) in performing work similar to that anticipated herein. This description shall include the following:
  - a. Date of project.
  - b. Name and address of client organization.
  - c. Name and telephone number of individual in the client organization who is familiar with the project.
  - d. Short description of project.
  - e. Proposer team members involved and their roles.
8. Each Proposer submitting a proposal is required to certify that it will comply with, in all respects, the rules of professional conduct set forth in A.A.C. R4-30-301 (see Appendix A), which is the official compilation of the Rules of Professional Conduct from the Administrative Rules and Regulations for the State of Arizona.

**Maricopa Association of Governments Request for Proposals – Cave Creek/Carefree Transportation Framework Study**

9. A labor cost allocation budget formatted as noted in Appendix B.
10. All Proposers on this project will be required to include a “Proposer’s Registration Form” (See Appendix C) in the submitted proposal. In addition, a “Proposer’s Registration Form” is required to be included for each Subconsultant proposed for this project.
- 11.

By signature on the Proposer’s Registration Form, the Proposer certifies that:

- a. The submission of the offer did not involve collusion or other anti-competitive practices.
  - b. The Proposer shall not discriminate against any employee or applicant for employment in violation of the Federal Executive Order 11246.
  - c. The Proposer has not given or offered to give, and does not intend to give at any time hereafter any economic opportunity, future employment, gift, loan, gratuity, special discount, trip favor, or service to a public servant in connection with the submitted offer.
  - d. Failure to sign the offer, or the falsity of a statement in a signed offer, shall void the submitted offer or any resulting contracts, and the Proposer may be debarred.
12. Each Proposer shall document within its proposal any potential conflicts of interest. A conflict of interest shall be cause for disqualifying a Proposer from consideration. A potential conflict of interest includes, but is not limited to:
    - a. Accepting an assignment where duty to the client would conflict with the Proposer’s personal interest, or interest of another client.
    - b. Performing work for a client or having an interest which conflicts with this contract.
    - c. Employing personnel who worked for MAG or one of its member agencies within the past three years.
    - d. All relationships with MAG and/or any employees of MAG.

MAG will be the final determining body as to whether a conflict of interest exists.

13. All Proposers are required, as specified in 49 CFR 29 (Debarment and Suspension), to certify its eligibility to receive federal funds and a copy of which certification may be furnished to ADOT or other government entities. A certification to that effect is included in this RFP as Appendix F and must be submitted by a Proposer in order for the Proposer to be considered responsible and their Proposal to be considered responsive.
14. Anti-Lobbying: MAG complies with the provisions of Section 1352 of Title 31, U.S. Code (Public law 101.121) as codified in Title 48, Federal Acquisition Regulations Subpart 3.8 and Subpart 52.203-11 and 23 CFR 630.112(c)(5). That legislation prohibits Federal funds from being expended by a recipient or any lower tier sub-recipients of a Federal contract, grant, loan, or cooperative agreement to pay any person for influencing or attempting to influence a Federal agency or Congress in connection with the award of any Federal contract, the making of any Federal grant or loan, or entering into any cooperative agreement, including the extension, continuation, renewal, amendments or modification of any Federal contract, grant, loan or cooperative agreement.

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Transportation Framework Study**

15. DBE Requirements. If a DBE goal has been established for this project (see DBE Goal/Commitment and Documentation under **SCOPES OF SERVICES**), Appendix H and Appendix I or Appendix J must be completed and returned with this RFP.

**Maricopa Association of Governments Request for Proposals – Cave Creek/Carefree  
Transportation Framework Study**

**PROPOSER’S CHECKLIST**

**Before submitting a proposal, please make sure that all required information as specified in “Proposal Requirements”, pages 8-11 of this RFP have been included.**

- A 7 copies of the proposal with a maximum of thirty (30) pages.
- B Cover letter signed by a party authorized to bind the entity submitting the proposal.
- C Description of Proposer’s organization and approach to work required by the solicitation.
- D Description of skill set as described in “Proposal Content”, page 9 of this RFP.
- E Work plan including preliminary schedule, staffing plan, resumes, and similar experience.
- F Labor cost allocation budget. (Appendix B)
- G Signed certification of Proposer’s compliance with the rules of professional conduct set forth in A.A.C. R4-30-30. (Appendix A)
- H Documentation of any potential conflicts of interest.
- I Proposer’s Registration Form. (Appendix C)
- J Debarment and Suspension Certification Form. (Appendix F)
- K Proposal submitted not later than January 23, 2013, 11:00 AM MST.
- L If DBE goal applies to this proposal, completed Appendix H - DBE Consultant Intended Participation Affidavit and Appendix I - DBE Subconsultant Intended Participation Affidavit or Appendix J - Good Faith Effort Certificate.

**Maricopa Association of Governments Request for Proposals – Cave Creek/Carefree  
Transportation Framework Study**

**PROPOSAL EVALUATION AND SELECTION PROCESS**

1. All proposals will be evaluated by an evaluation team consisting of MAG staff and MAG member agency staff. [NOTE: NAMES OF INDIVIDUALS ON THE EVALUATION TEAM SHOULD NOT BE DIVULGED PRIOR TO COMPLETION OF SELECTION PROCESS] Evaluation criteria include the following:
  - a. Demonstrated understanding of the project through a well-defined work plan consistent with program objectives.
  - b. Clarity of proposal, realistic approach, technical soundness, and enhancements to elements outlined in this Request for Proposals.
  - c. Experience of the project manager and other project personnel in similar studies. Only those personnel assigned to work directly on the project should be cited.
  - d. Proven track record in this area of study. Proposers should identify the principal people who worked on past projects and the amount of time they devoted to the work effort.
  - e. Availability of key personnel throughout the project effort.
  - f. Price, except for the procurement of architectural or engineering (A&E) services.
  - g. Ability and commitment to complete the project within the specified time period, meet all deadlines for submitting associated work products, and ensure quality control.
  - h. Recognition of work priorities and flexibility to deal with change and contingencies.
  - i. Demonstrated DBE Compliance.
2. On the basis of the above evaluation criteria, selected firms submitting proposals may be interviewed prior to the selection of a consultant. Phone interviews may be made during the week of February 11, 2013 and in-person interviews may be scheduled for the week of February 18, 2013. It is anticipated that firms selected for interviews will be contacted approximately one (1) week prior to the in-person interview date. MAG strongly suggests that the project manager and key members of the CONSULTANT team be present at the in-person interview.
3. MAG may conduct discussions with Proposers who submit proposals determined to be reasonably susceptible of being selected for award.
4. MAG reserves the right to:
  - a. Cancel this solicitation.
  - b. Reject any and all proposals and re-advertise.
  - c. Select the proposal(s) that, in its judgment, will best meet its needs.
  - d. Negotiate a contract that covers selected parts of a proposal, or a contract that will be interrupted for a period or terminated for lack of funds.

**Maricopa Association of Governments Request for Proposals – Cave Creek/Carefree  
Transportation Framework Study**

**ADMINISTRATIVE REQUIREMENTS**

1. This Request for Proposals is for a cost-reimbursement plus fixed fee contract.
2. During the course of the project, a monthly progress report is required to be submitted within ten (10) working days after the end of each month until the final report is submitted. Each report shall include a comprehensive narrative of the activities performed during the month, an estimated percent complete for each project task, monthly and cumulative costs by task, activities of any Subconsultants, payments to any Subconsultants, a discussion of any notable issues or problems being addressed, and a discussion of anticipated activities for the next month (See Appendix E for sample format).
3. MAG shall retain ten percent (10%) of the contract amount, withheld from each invoice, as final payment until completion of the project to the satisfaction and acceptance of the work. Final payment shall be made after acceptance of the final product and invoice.
4. An audit examination of the CONSULTANT's records may be required.
5. The firm selected will be required to comply with MAG insurance requirements, which may include: Workmen's Compensation, Architects and Engineers Professional Liability insurance, Commercial General Liability insurance, Business Automobile Liability insurance, and Valuable Papers insurance.
6. The firm selected is required to document any potential conflicts of interest during the contract period. A conflict of interest shall be cause for terminating a contract. A potential conflict of interest includes, but is not limited to:
  - a. Accepting an assignment where duty to the client would conflict with the CONSULTANT's personal interest, or interest of another client.
  - b. Performing work for a client or having an interest which conflicts with this contract.
  - c. Employing personnel who worked for MAG or one of its member agencies within the past three years.

MAG will be the final determining body as to whether a conflict of interest exists.

7. Non-Discrimination: MAG, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, the Civil Rights Restoration Act of 1987 (Public Law 100.259). Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all Proposers that it will affirmatively insure that in any contract entered into pursuant to this solicitation, minority business enterprises will be afforded full opportunity to submit Proposals in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award. Any contract resulting from this RFP shall contain Title VI compliance language as specified in Appendix D of this RFP.
8. Disadvantaged Business Enterprise (DBE): MAG has adopted ADOT's DBE program and will ensure compliance with 49 CFR Part 26. (see Appendix G for DBE program requirements).

ADOT and MAG are required to collect data on DBE and non DBE participation to report to FHWA on Federal aid projects. The selected CONSULTANT is notified that such record keeping is required by ADOT for tracking DBE participation. The selected CONSULTANT shall provide all such required

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information for the current month by the 5th of the following month. The required information shall be submitted electronically through the web based payment tracking system <https://arizonalpa.dbesystem.com/>.

Subconsultants and lower-tier(s) of Subconsultants agree to fully comply with the Federal aid contract provisions which are hereby fully incorporated into and made part of this subcontract. Subconsultants shall include these required contract provisions in all its lower-tier subcontracts.

9. Certification of Payments to DBE Firms (if applicable): The CONSULTANT shall submit at the completion of the project the "Certification of Payments to DBE Firms" affidavit for each DBE firm working on the project (Appendix K).

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**APPENDIX A - ARIZONA ADMINISTRATIVE CODE R4-30-301**

**CH. 30**

**BOARD OF TECHNICAL REGISTRATION**

**R4-30-301**

**ARTICLE 3. REGULATORY PROVISIONS**

R4-30-301. Rules of Professional Conduct

All registrants shall comply with the following rules of professional conduct:

1. A registrant shall not submit any materially false statements or fail to disclose any material facts requested in connection with an application for registration or certification, or in response to a subpoena.
2. A registrant shall not engage in fraud, deceit, misrepresentation or concealment of material facts in advertising, soliciting, or providing professional services to members of the public.
3. A registrant shall not commit bribery of a public servant as proscribed in A.R.S. § 13-2602, commit commercial bribery as proscribed in A.R.S. § 13-2605, or violate any federal statute concerning bribery.
4. A registrant shall comply with state, municipal, and county laws, codes, ordinances, and regulations pertaining to the registrant's area of practice.
5. A registrant shall not violate any state or federal criminal statute involving dishonesty, fraud, misrepresentation, embezzlement, theft, forgery, perjury, bribery, or breach of fiduciary duty, if the violation is reasonably related to the registrant's area of practice.
6. A registrant shall apply the technical knowledge and skill that would be applied by other qualified registrants who practice the same profession in the same area and at the same time.
7. A registrant shall not accept an engagement if the duty to a client or the public would conflict with the registrant's personal interest or the interest of another client without making a full written disclosure of all material facts of the conflict to each person who might be related to or affected by the engagement.
8. A registrant shall not accept compensation for services related to the same engagement from more than one party without making a full written disclosure of all material facts to all parties and obtaining the express written consent of all parties involved.
9. A registrant shall make full disclosure to all parties concerning:
  - a. Any transaction involving payments to any person for the purpose of securing a contract, assignment, or engagement, except payments for actual and substantial technical assistance in preparing the proposal; or
  - b. Any monetary, financial, or beneficial interest the registrant holds in a contracting firm or other entity providing goods or services, other than the registrant's professional services, to a project or engagement.
10. A registrant shall not solicit, receive, or accept compensation from material, equipment, or other product or services suppliers for specifying or endorsing their products, goods or services to any client or other person without full written disclosure to all parties.
11. If a registrant's professional judgment is overruled or not adhered to under circumstances where a serious threat to the public health, safety, or welfare may result, the registrant shall immediately notify the responsible party, appropriate building official, or agency, and the Board of the specific nature of the public threat.
12. If called upon or employed as an arbitrator to interpret contracts, to judge contract performance, or to perform any other arbitration duties, the registrant shall render decisions impartially and without bias to any party.

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13. To the extent applicable to the professional engagement, a registrant shall conduct a land survey engagement in accordance with the April 12, 2001 Arizona Professional Lands Surveyors Association (APLS) Arizona Boundary Survey Minimum Standards, as adopted by the Board on June 15, 2001, the provisions of which are incorporated in this subsection by reference and on file with the Office of the Secretary of State. This incorporation by reference does not include any later amendments or editions and is available at the Board's office and APLS at [www.aia.org](http://www.aia.org).
14. A registrant shall comply with any subpoena issued by the Board or its designated administrative law judge.
15. A registrant shall update the registrant's address and telephone number of record with the Board within 30 days of the date of any change.
16. A registrant shall not sign, stamp, or seal any professional documents not prepared by the registrant or a bona fide employee of the registrant.
17. Except as provided in subsections (18) and (19), a registrant shall not accept any professional engagement or assignment outside the registrant's professional registration category unless:
  - a. The registrant is qualified by education, technical knowledge, or experience to perform the work; and
  - b. The work is exempt under A.R.S. § 32-143.
18. A registered professional engineer may accept professional engagements or assignments in branches of engineering other than that branch in which the registrant has demonstrated proficiency by registration but only if the registrant has the education, technical knowledge, or experience to perform such engagements or assignments.
19. Except as otherwise provided by law, a registrant may act as the prime professional for a given project and select collaborating professionals; however, the registrant shall perform only those professional services for which the registrant is qualified by registration to perform and shall seal and sign only the work prepared by the registrant or by the registrant's bona fide employee.
20. A registrant who is designated as a responsible registrant shall be responsible for the firm or corporation. The Board may impose disciplinary action on the responsible registrant for any violation of Board statutes or rules that is committed by a non-registrant employee, firm, or corporation.
21. A registrant shall not enter into a contract for expert witness services on a contingency fee basis or any other arrangement in a disputed matter where the registrant's fee is directly related to the outcome of the dispute.

Amended by final rulemaking at 12 A.A.R. 1609, effective July 1, 2006 (Supp. 06-2).

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**COMPLIANCE WITH RULES OF PROFESSIONAL CONDUCT ARIZONA  
ADMINISTRATIVE CODE R4-30-301 CERTIFICATION**

I hereby certify to the best of my knowledge and belief that \_\_\_\_\_  
(Name of Consulting Firm)

and I \_\_\_\_\_ as the \_\_\_\_\_  
(Name) (Title)

shall comply with, in all respects, the rules of professional conduct set forth in A.A.C. R4-30-301.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Date)

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APPENDIX B - LABOR COST ALLOCATION BUDGET SAMPLE

Available in Excel on request

PRIME CONSULTANT		Hours by Personnel and Task Description					
Personnel	Raw Direct Hourly Rate	Task 1 (Task Description)	Task 2 (Task Description)	Task 3 (Task Description)	Task 4 (Task Description)	Total Hours	Total Cost
Personnel 1	\$0.0000	0.00	0.00	0.00	0.00	0.00	\$0.00
Personnel 2	\$0.0000	0.00	0.00	0.00	0.00	0.00	\$0.00
Personnel 3	\$0.0000	0.00	0.00	0.00	0.00	0.00	\$0.00
Personnel 4	\$0.0000	0.00	0.00	0.00	0.00	0.00	\$0.00
Personnel 5	\$0.0000	0.00	0.00	0.00	0.00	0.00	\$0.00
Personnel 6	\$0.0000	0.00	0.00	0.00	0.00	0.00	\$0.00
Personnel 7	\$0.0000	0.00	0.00	0.00	0.00	0.00	\$0.00
Personnel 8	\$0.0000	0.00	0.00	0.00	0.00	0.00	\$0.00
Personnel 9	\$0.0000	0.00	0.00	0.00	0.00	0.00	\$0.00
Personnel 10	\$0.0000	0.00	0.00	0.00	0.00	0.00	\$0.00
Personnel 11	\$0.0000	0.00	0.00	0.00	0.00	0.00	\$0.00
Personnel 12	\$0.0000	0.00	0.00	0.00	0.00	0.00	\$0.00
Personnel 13	\$0.0000	0.00	0.00	0.00	0.00	0.00	\$0.00
Personnel 14	\$0.0000	0.00	0.00	0.00	0.00	0.00	\$0.00
Personnel 15	\$0.0000	0.00	0.00	0.00	0.00	0.00	\$0.00
Personnel 16	\$0.0000	0.00	0.00	0.00	0.00	0.00	\$0.00
Personnel 17	\$0.0000	0.00	0.00	0.00	0.00	0.00	\$0.00
Personnel 18	\$0.0000	0.00	0.00	0.00	0.00	0.00	\$0.00
Personnel 19	\$0.0000	0.00	0.00	0.00	0.00	0.00	\$0.00
Personnel 20	\$0.0000	0.00	0.00	0.00	0.00	0.00	\$0.00
Total Task Hours		0.00	0.00	0.00	0.00	0.00	
Total Task Cost		\$0.00	\$0.00	\$0.00	\$0.00		\$0.00
Overhead (or Fringe) Rate (Audited Rate)	12500	\$0.00	\$0.00	\$0.00	\$0.00		\$0.00
Total Labor with Overhead		\$0.00	\$0.00	\$0.00	\$0.00		\$0.00
Fee (10% max rate)	10%	\$0.00	\$0.00	\$0.00	\$0.00		\$0.00
<b>Total Labor With Overhead and Fee</b>		<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>		<b>\$ -</b>
PRIME CONSULTANT		Directly Reimbursable Expenses					
Reimbursable Expenses		Task 1	Task 2	Task 3	Task 4	Total Cost	
Postage		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
Copying/Printing		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
Travel		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
Local Travel		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
PI Meeting Materials		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
Focus Group Incentives		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
Display Boards		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
Miscellaneous		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
Other (Description)		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
<b>Total Prime Reimbursable Expenses</b>		<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	
SUBCONSULTANTS		Task Hours					
Personnel	Loaded Hourly Rate	Task 1 (Task Description)	Task 2 (Task Description)	Task 3 (Task Description)	Task 4 (Task Description)	Total Hours	Total Cost
Subconsultant 1	\$0.0000	0.00	0.00	0.00	0.00	0.00	\$0.00
Subconsultant 2	\$0.0000	0.00	0.00	0.00	0.00	0.00	\$0.00
Subconsultant 3	\$0.0000	0.00	0.00	0.00	0.00	0.00	\$0.00
Subconsultant 4	\$0.0000	0.00	0.00	0.00	0.00	0.00	\$0.00
Subconsultant 5	\$0.0000	0.00	0.00	0.00	0.00	0.00	\$0.00
Total Task Hours		0.00	0.00	0.00	0.00	0.00	
<b>Total Subconsultant Costs</b>		<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>		<b>\$ -</b>
Total Costs By Task							
TOTAL COST SUMMARY		Task 1 (Task Description)	Task 2 (Task Description)	Task 3 (Task Description)	Task 4 (Task Description)	Total Cost	
<b>Total Labor With Overhead and Fee</b>		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
<b>Total Prime Reimbursable Expenses</b>		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
<b>Total Subconsultant Costs</b>		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
<b>GRAND TOTAL</b>		<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	

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**APPENDIX C - PROPOSER'S INFORMATION FORM**

Consultants proposing as prime Consultants or Subconsultants on Maricopa Association of Governments' (MAG) projects are required to complete this form and return it with your proposal.

If you have any questions about this form, please call the MAG Fiscal Services Manager, (602) 254-6300.

**1. GENERAL INFORMATION:**

Name of Firm: \_\_\_\_\_

Street Address: \_\_\_\_\_

City, State, ZIP: \_\_\_\_\_

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

City, State, ZIP: \_\_\_\_\_

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

E-mail address: \_\_\_\_\_

Web address: \_\_\_\_\_ Year firm was established \_\_\_\_\_

Is this firm a prime Consultant? \_\_\_\_\_ Yes \_\_\_\_\_ No

Is this firm a Subconsultant? \_\_\_\_\_ Yes \_\_\_\_\_ No

If so, Identify specialty: \_\_\_\_\_

Is this firm a certified DBE? \_\_\_\_\_ Yes \_\_\_\_\_ No

If so, by whom? \_\_\_\_\_

Is this firm currently debarred? \_\_\_\_\_ Yes \_\_\_\_\_ No

Is this firm currently the subject of debarment proceeding? \_\_\_\_\_ Yes \_\_\_\_\_ No

**2. FINANCIAL INFORMATION**

Firm's annual gross receipts (average of last three years)

- \_\_\_\_\_ <\$300,000
- \_\_\_\_\_ \$300,000 - \$599,999
- \_\_\_\_\_ \$600,000 - \$999,999
- \_\_\_\_\_ \$1,000,000 - \$4,999,999
- \_\_\_\_\_ >\$5,000,000

Information will be maintained as confidential to the extent allowed by Federal and State law. The undersigned swears that the above information is correct. Any material misrepresentation may be grounds for terminating any contract which may be awarded and initiating action under Federal and State laws concerning false statements.

\_\_\_\_\_  
(Name, Title)

\_\_\_\_\_  
(Date)

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**APPENDIX D - TITLE VI AGREEMENT/CONTRACT REQUIREMENTS**

During the performance of this contract, the CONSULTANT, for itself, its assignees and successors in interest (hereinafter referred to as the CONSULTANT) agrees as follows:

1. Compliance with Regulations: The CONSULTANT shall comply with the Regulation relative to nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. Nondiscrimination: The CONSULTANT, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, national origin, or sex in the selection and retention of Subconsultants, including procurement of materials and leases of equipment. The CONSULTANT shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
3. Solicitations for Subconsultants, Including Procurement of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the CONSULTANT for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential Subconsultant or supplier shall be notified by the CONSULTANT of the CONSULTANT'S obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, national origin, or sex.
4. Information and Reports: The CONSULTANT shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Arizona Department of Transportation or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a CONSULTANT is in the exclusive possession of another who fails or refuses to furnish this information the CONSULTANT shall so certify to the Arizona Department of Transportation, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.
5. Sanctions for Noncompliance: In the event of the CONSULTANT's noncompliance with the nondiscrimination provisions of this contract, the Arizona Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
  - a. withholding of payments to the CONSULTANT under the contract until the CONSULTANT complies, and/or;
  - b. cancellation, termination or suspension of the contract, in whole or in part.
6. Certification of Non-segregated facilities: The Federally-assisted CONSULTANT hereby certifies that the CONSULTANT does not maintain or provide for the CONSULTANT's employees any segregated facilities at any of the CONSULTANT's establishments, and that the CONSULTANT does not permit the CONSULTANT's employees to perform their services at any location, under the CONSULTANT's control, where segregated facilities are maintained. The Federally-assisted CONSULTANT certifies further that the CONSULTANT will not maintain or provide for the CONSULTANT's employees any segregated facilities at any of the CONSULTANT's establishments, and that the CONSULTANT will not permit employees of the CONSULTANT to perform their services at any location, under the

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CONSULTANT's control, where segregated facilities are maintained. The Federally-assisted CONSULTANT agrees that a breach of this Certification is a violation of the Equal Opportunity clause in this Agreement. As used in this Certification, the term "segregated facilities" means any waiting rooms and other storage or dressing rooms which are segregated by explicit directive or are in fact segregated on the basis or race, color, or national origin, because of habit, local custom, or otherwise.

7. The CONSULTANT shall include the provisions of paragraphs 1 through 5 above in every subcontract, including procurement of materials and leases of equipment, unless exempt by the regulations, or directives issued pursuant thereto. The CONSULTANT shall take such action with respect to any subcontract or procurement as MAG, ADOT, FHWA, and FTA may direct as a means of enforcing such provisions including sanctions for non-compliance; provided, however, that, in the event the CONSULTANT becomes involved in, or is threatened with, litigation with a Subconsultant or supplier as a result of such direction, the CONSULTANT may request the State to enter into such litigation to protect the interests of the State, and, in addition, the CONSULTANT may request the United States to enter into such litigation to protect the interests of the United States.

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**APPENDIX E - PROGRESS REPORT FORMAT SAMPLE**

[CONSULTANT LETTER HEAD]  
[DATE]

[MAG PROJECT MANAGER]  
Maricopa Association of Governments  
302 North First Avenue, Suite 300  
Phoenix, Arizona 85003

Re: Progress Report No. [#] and Invoice for the Period of [Month] 20[XX]

*[For Each Task, the CONSULTANT is to provide the percent of work completed to date, a narrative describing the work accomplished, data obtained, problems encountered, meetings held and reports and/or data produced. It is the responsibility of the CONSULTANT to document that the work accomplished for each task during the reporting period is commensurate with the amount of money billed for the task in the invoice.]*

*[The narrative describing the work accomplished should be of sufficient detail to enable the Project manager to clearly understand the progress on the task during the reporting period. Wherever possible, the CONSULTANT should submit along with the progress report appropriate documentation of work accomplished, such as partial or complete draft technical reports or working papers, etc.]*

**TASK 1 - DATA COLLECTION**

Percent of Work Completed: 100 percent.

Work Accomplished: A database in both hard copy and electronic format was developed and a methodology for keeping the database current was established.

Data Obtained: Information on the transportation facilities was secured for each of the facilities in the study area. The data included, but was not limited to: name, location, and current and historical traffic levels.

Meetings Held: The following meetings were held in connection with the data collection effort:

[MONTH, DAY, YEAR], with the MAG project manager to review data collected for the facilities.

[MONTH, DAY, YEAR], with the Advisory Committee to obtain input on the data collection process.

[MONTH, DAY, YEAR], with MAG staff to review comments on preliminary database.

[MONTH, DAY, YEAR], with the public and special interest groups to obtain input on the distribution of the database.

Reports or Data Produced: A database in electronic format was produced and provided to MAG staff on [MONTH, DAY, YEAR].

**TASK 2 - INVENTORY**

Percent of Work Completed: 100 percent.

Work Accomplished: A facilities inventory was completed, and the data obtained in Task 1 were compiled into a Draft Inventory Technical Report for distribution to the Advisory Committee.

Data Obtained: See Task 1.

Meetings Held: The following meetings were held:

[MONTH, DAY, YEAR], met with MAG staff to finalize the outline for the Inventory Technical Report.

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[MONTH, DAY, YEAR], met with the MAG project manager to obtain suggestions on methods for comparing facility information.

Reports or Data Produced: A draft Inventory Technical Report was produced and distributed to members of the Advisory Committee for review and comment.

### **TASK 3 - FORECASTS**

Percent of Work Completed: 100 percent.

Work Accomplished: Forecasts of travel demand on inventoried facilities were prepared for 2000, 2010 and 2020. The forecasts were consistent with County control totals reviewed by the Advisory Committee last month. The forecasts included a breakdown by facility type.

Data Obtained: See Task 1.

Meetings Held: The following meetings were held:

[MONTH, DAY, YEAR], met with MAG staff to discuss comments on preliminary forecast results.

Reports or Data Produced: A draft forecasts report was produced and distributed to members of the Advisory Committee for review and comment.

### **TASK 4 - DEMAND/CAPACITY ANALYSIS AND FACILITY REQUIREMENTS**

Percent of Work: Completed: 60 percent.

Work Accomplished: An hourly capacity was computed for each of the inventoried facilities using the federal guidance provided by MAG staff.

Data Obtained: See Task 1.

Meetings Held: The following meeting was held:

A meeting was held on [MONTH, DAY, YEAR] to discuss the differences between the capacity calculations for this study versus previous studies.

Reports or Data Produced: None. However, a draft set of capacity estimates is enclosed documenting the assumptions and data input used to prepare the estimates.

### **TASK 5 - ALTERNATIVES**

Percent of Work Completed: 25 percent.

Work Accomplished: Other regional plans were examined to determine the type of alternatives that were used to meet future demand.

Data Obtained: Regional plans from San Diego, Los Angeles, Denver, Seattle Tucson and Chicago were collected.

Meetings Held: The following meeting was held:

A meeting was held on [MONTH, DAY, YEAR] to discuss the differences between the capacity calculations for this study versus previous studies.

Reports or Data Produced: None.

### **TASK 6 - EVALUATION OF ALTERNATIVES**

Work on this task has not begun.

### **TASK 7 - RECOMMENDATIONS**

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Work on this task has not begun.

**TASK 8 - IMPLEMENTATION**

Work on this task has not begun.

Problems Encountered

Some of the capacity calculations prepared for the study were different from the capacity calculations used in previous studies. These differences were discussed and resolved at a meeting held with MAG staff on [MONTH, DAY, YEAR]

Invoice:

The enclosed invoice is for the third progress payment of \$[ENTER DOLLAR AMOUNT]. The total amount billed to date is \$[ENTER DOLLAR AMOUNT].

Sincerely,

[PROJECT MANAGER NAME]  
[PROJECT MANAGER TITLE]

Enclosure

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**APPENDIX F - DEBARMENT/SUSPENSION CERTIFICATION**

STATE OF )

SS. )

COUNTY OF )

I, \_\_\_\_\_ of the City of \_\_\_\_\_, in the County of

\_\_\_\_\_ and the State of \_\_\_\_\_, of full age, being duly sworn according to the law of my oath depose and say that:

In accordance with the terms of U.S. DOT regulations, “Nonprocurement Suspension and Debarment,” 2 CFR Part 1200, which adopts and supplements the provisions of U.S. Office of Management and Budget (U.S. OMB) “Guidelines to Agencies on Government-wide Debarment and Suspension (Nonprocurement),” 2 CFR Part 180:

1. Proposer certifies to the best of its knowledge and belief, that it and its principals, including its first tier Subconsultants: (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded or disqualified from covered transactions by any Federal department or agency; (b) Have not within a three-year period preceding its latest application or proposal been convicted of or had a civil judgment rendered against any of them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction, or contract under a public transaction; violation of any Federal or State antitrust statute; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making any false statement, or receiving stolen property; (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses listed in subparagraph (1)(b) of this certification; (d) Have not within a three-year period preceding this certification had one or more public transactions (Federal, State, or local) terminated for cause or default.
2. Proposer certifies that it and its principals, including its first tier Subconsultants will treat each lower tier contract or lower tier subcontract under the Project that (a) equals or exceeds \$25,000, (b) is for audit services, or (c) requires the consent of a Federal official, as a covered contract for purposes of 2 CFR Part 1200 and 2 CFR Part 180, and will otherwise comply with the Federal requirements of 2 CFR Part 1200 and 2 CFR Part 180, and will assure that each lower tier participant involved in the Project is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded or disqualified from participation in this transaction by any Federal department or agency;
3. Proposer certifies that if, later, it or its principals, including any of its first tier Subconsultants, become aware of any information contradicting the statements of subparagraphs (1)(a) through (d) above, it will promptly provide any necessary information to MAG;
4. If Proposer or any of its principals, including any of its first tier Subconsultants or lower tier participants, is unable to certify to the statements within paragraphs 1, 2, and 3 above, the Proposer shall indicate so on its Signature Page.
5. The Proposer further certifies that their firm is not currently debarred, suspended, or proposed for debarment or suspension by the State of Arizona, or any subdivision thereof.

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6. Proposer agrees to notify MAG of any change in the status or facts certified above, should one occur, until such time as the Contract is actually executed by MAG, and thereafter during performance of the Contract.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of Proposer

\_\_\_\_\_  
Printed/Typed Name of Proposer

Corporate seal (if applicable)

Sworn to before me this \_\_\_ day of \_\_\_\_\_, 2012, in the County of \_\_\_\_\_,

State of \_\_\_\_\_

(Seal)  
Affix Notary seal here

\_\_\_\_\_  
Notary Public

My commission expires \_\_\_\_\_

**Maricopa Association of Governments Request for Proposals – Cave Creek/Carefree  
Transportation Framework Study**

**APPENDIX G - DISADVANTAGED BUSINESS ENTERPRISE**

**Arizona Department of Transportation Disadvantaged Business Enterprise Program as  
Adopted by Maricopa Association of Governments**

**1.0 Policy:**

The Arizona Department of Transportation (hereinafter “ADOT”) has established a Disadvantaged Business Enterprise (hereinafter “DBE”) program in accordance with the regulations of the U.S. Department of Transportation (USDOT), 49 CFR Part 26. ADOT has received Federal financial assistance from the U.S. Department of Transportation (hereinafter “USDOT”) and as a condition of receiving this assistance, ADOT has signed an assurance that it will comply with 49 CFR Part 26.

Maricopa Association of Governments (MAG) has adopted ADOTs DBE program and will ensure compliance with 49 CFR Part 26.

It is the policy of ADOT to ensure that DBEs, as defined in 49 CFR Part 26, have an equal opportunity to receive and participate in USDOT-assisted contracts. It is also the policy of ADOT:

1. To ensure nondiscrimination in the award and administration of USDOT-assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for USDOT-assisted contracts;
3. To ensure that the DBE program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are counted as DBEs;
5. To help remove barriers to the participation of DBEs in USDOT-assisted contracts; and,
6. To assist in the development of firms that can compete successfully in the market place outside the DBE program.

Maricopa Association of Governments as a Sub-recipient of Federal financial assistance will administer and manage its contracts from advertising, CONSULTANT selection, negotiation, contract execution, processing payment reports and contract modifications, audits, DBE compliance (e.g., reporting and monitoring) through contract closeout.

**2.0 Assurances of Non-Discrimination:**

The CONSULTANT, subrecipient, or Subconsultant shall not discriminate on the basis of race, color, sex or national origin in the performance of this contract. The CONSULTANT shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of contracts. Failure by the CONSULTANT 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 state deems appropriate. The CONSULTANT, subrecipient, or Subconsultant shall ensure that all subcontract agreements contain this non-discrimination assurance.

**3.0 Definitions:**

(A) Disadvantaged Business Enterprise (DBE): a for-profit small business concern which meets both of the following requirements:

- (1) is at least 51 percent owned by one or more socially and economically disadvantaged individuals or, in the case of any publicly owned business, at least 51 percent of the stock is owned by one or more such individuals; and,
- (2) whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

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- (B) **Socially and Economically Disadvantaged Individuals:** any individual who is a citizen (or lawfully admitted permanent resident) of the United States and who is:
- (1) Any individual who is found to be a socially and economically disadvantaged individual on a case-by-case basis.
  - (2) Any individual in the following groups, members of which are rebuttably presumed to be socially and economically disadvantaged:
    - (i) "Black Americans," which includes persons having origins in any of the Black racial groups of Africa;
    - (ii) "Hispanic Americans," which includes persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;
    - (iii) "Native Americans," which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians;
    - (iv) "Asian-Pacific Americans," which includes persons whose origins are from Japan, China, Taiwan, Korea, Burma (Myanmar), Vietnam, Laos, Cambodia (Kampuchea), Thailand, Malaysia, Indonesia, the Philippines, Brunei, Samoa, Guam, the U.S. Trust Territories of the Pacific Islands (Republic of Palau), the Commonwealth of the Northern Marianas Islands, Macao, Fiji, Tonga, Kiribati, Tuvalu, Nauru, Federated States of Micronesia, or Hong Kong;
    - (v) "Subcontinent Asian Americans," which includes persons whose origins are from India, Pakistan, Bangladesh, Bhutan, the Maldives Islands, Nepal or Sri Lanka;
    - (vi) "Women;"
    - (vii) Any additional groups whose members are designated as socially and economically disadvantaged by the Small Business Administration (SBA), at such time as the SBA designation becomes effective.
- (C) **Joint Venture:** an association of a DBE firm and one or more other firms to carry out a single, for-profit business enterprise, for which parties combine their property, capital, efforts, skills and knowledge, and in which the DBE is responsible for a distinct, clearly defined portion of the work of the contract and whose share in the capital contribution, control, management, risks, and profits of the joint venture are commensurate with its ownership interest.
- (D) **Non-DBE:** any firm that is not a DBE.
- (E) **RACE-CONSCIOUS:** a measure or program is one that is focused specifically on assisting only DBEs, including women-owned DBEs.
- (F) **RACE-NEUTRAL:** a measure or program is one that is, or can be, used to assist all small businesses. For the purposes of this part, race-neutral includes gender-neutrality.

**4.0 Working with DBEs:**

ADOT works with DBEs and assists them in their efforts to participate in Federal-aid contracts. All Proposers should contact the ADOT Civil Rights Office at the address shown below for assistance in their efforts to use DBEs.

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Arizona Department of Transportation  
Civil Rights Office  
1135 North 22nd Avenue (second floor), Mail Drop 154A  
Phoenix, AZ 85009  
Phone (602) 712-7761  
FAX (602) 712-8429

### **5.0 Applicability:**

ADOT has established an overall annual goal for DBE participation on Federal-aid contracts. ADOT intends for the goal to be met with a combination of race conscious efforts and race neutral efforts. Race conscious participation occurs where the CONSULTANT uses a percentage of DBEs, as defined herein, to meet the contract-specified goal. Race neutral efforts are those that are, or can be, used to assist all small businesses or increase opportunities for all small businesses. The regulation, 49 CFR 26, defines race neutral as when a DBE wins a prime contract, is awarded a subcontract on a project without DBE goals, or is awarded a subcontract from a prime Consultant that did not consider the firm's DBE status.

The CONSULTANT shall meet the goal specified herein with DBEs, or establish that it was unable to meet the goal despite making good faith efforts to do so. Prime CONSULTANTS are encouraged to obtain DBE participation above and beyond any goals that may be set for this project.

The provisions are applicable to all Proposers including DBE Proposers.

### **6.0 AZ Unified Certification Program (AZUCP)**

Arizona is a member of the AZ Unified Certification Program (AZUCP). Only DBE firms that are certified by the AZUCP are eligible for credit on ADOT and its subrecipient Federal-aid projects. A list of DBE firms certified by AZUCP is available on the internet at [www.azdbe.org](http://www.azdbe.org). The list will indicate contact information and specialty for each DBE firm, and may be sorted in a variety of ways. However, ADOT does not guarantee the accuracy and/or completeness of this information, nor does ADOT represent that any licenses or registrations are appropriate for the work to be done.

ADOT's certification is not a representation of qualifications and/or abilities. The CONSULTANT bears all risks that the firm may not be able to perform its work for any reason.

### **7.0 General:**

Each CONSULTANT shall establish a program that will ensure nondiscrimination in the award and administration of contracts and subcontracts.

Each CONSULTANT shall also designate a full time employee who shall be responsible for the administration of the CONSULTANT's DBE program.

Agreements between the Proposer and a DBE in which the DBE promises not to provide subcontracting quotations to other Proposers are prohibited.

### **8.0 DBE Subconsultant Payment Reporting:**

ADOT is required to collect data on DBE and non-DBE participation to report to FHWA on Federal-aid projects. Maricopa Association of Governments will notify the CONSULTANT that such record keeping is required by ADOT for tracking DBE participation.

The CONSULTANT shall submit a report on a monthly basis indicating the amounts earned by and paid to all DBEs and non-DBEs working on the project. In addition, the CONSULTANT shall require that all DBE and non-DBE Subconsultants verify receipt of payment.

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The CONSULTANT shall provide all such required information for the current month by the 5th of the following month. The required information shall be submitted electronically through the ADOT’s local public agency web-based payment tracking system <https://arizonalpa.dbesystem.com>.

**9.0 Goals:**

All Federal-aid projects are assessed for a DBE availability goal. The following language shall be used in Federal-aid contracts to identify if the intended project is classified as race conscious or race neutral. (The following is example language only. Actual goal assessment or race neutral assessment will be indicated in the scope of services.)

The minimum goal for participation by DBEs on this project is as follows:

[[Enter Percentage Number] Percent

All Proposers are required to submit with their proposal DBE Consultant and DBE Subconsultant Affidavits **OR** a Good Faith Effort Certificate (Appendix H, I or J).

**OR**

This contract has been assessed as race neutral.

The Arizona Department of Transportation (ADOT) has not established a DBE participation goal on this contract. Consultants are still encouraged to employ reasonable means to obtain DBE participation. The CONSULTANT is notified that record keeping is required by the ADOT so it can track DBE participation where only race neutral efforts are employed. DBE Participation Affidavit forms are NOT required for race neutral projects. All payment reporting requirements apply to race neutral contracts and Certification of Payments forms will be required if DBEs are used on race neutral contracts. (Appendix K)]

**10.0 Crediting DBE Participation Toward Meeting Goals:**

**10.01 General Requirements:**

Only the value of the work actually performed by the DBE can be credited toward DBE participation. Credit towards the CONSULTANT’s DBE goal is given only after the DBE has been paid for the work performed.

The CONSULTANT bears the responsibility to determine whether the DBE possesses the proper CONSULTANT’s license(s) to perform the work. If a DBE cannot complete its work due to failure to obtain or maintain its licensing, the CONSULTANT bears the responsibility to immediately request approval to replace the DBE with another DBE and notify the MAG Project Manager and the ADOT Civil Rights Office.

ADOT’s certification is not a representation of qualifications and/or abilities. The CONSULTANT bears all risks that the DBE may not be able to perform its work for any reason.

A DBE may participate as a prime Consultant, Subconsultant, joint venture partner with either a prime Consultant or a Subconsultant, or as a vendor of materials or supplies. A DBE joint venture partner shall be responsible for a clearly defined portion of the work to be performed, in addition to meeting the requirements for ownership and control.

The dollar amount of work to be accomplished by DBEs, including partial amount of a lump sum or other similar item, shall be on the basis of subcontract, purchase order, hourly rate, rate per ton, etc., as agreed to between parties.

Where more than one DBE is engaged to perform parts of an item (for example, supply and installation), the total amount payable to the DBEs will not be considered in excess of the prime Consultant’s bid amount for that item.

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DBE credit may be obtained only for specific work done for the project, supply of equipment specifically for physical work on the project, or supply of materials to be incorporated in the work. DBE credit will not be allowed for costs such as overhead items, capital expenditures (for example, purchase of equipment), and office items.

If a DBE performs part of an item (for example, installation of materials purchased by a Non-DBE), the DBE credit shall not exceed the lesser of (1) the DBE's contract or (2) the prime Consultant's bid for the item, less a reasonable deduction for the portion performed by the Non-DBE.

When a DBE performs as a partner in a joint venture, only that portion of the total dollar value of the contract which is clearly and distinctly performed by the DBE's own forces can be credited toward the DBE goal.

The CONSULTANT may credit second-tier subcontracts issued to DBEs by non-DBE Subconsultants. Any second-tier subcontract to a DBE used to meet the goal must meet the requirements of a first-tier DBE subcontract.

All DBE and non-DBE subcontracting activity must be reported by the CONSULTANT and counted toward participation. This includes lower-tier subcontracting regardless of whether or not the DBE is under contract with another DBE.

DBE prime Consultants must meet the DBE participation goal or demonstrate good faith efforts. This is determined by counting the work the DBE has committed to performing with its own forces, as well as the work that it has committed to be performed by DBE Subconsultants and DBE suppliers.

A prime Consultant may credit the entire amount of that portion of a contract that is performed by the DBE's own forces. The cost of supplies and materials obtained by the DBE for the work of the contract can be included so long as that cost is reasonable. Leased equipment may also be included. No credit is permitted for supplies purchased or equipment leased from the prime Consultant or its affiliate(s).

When a DBE subcontracts a part of the work of its contract to another firm, the value of the subcontract may be credited towards the DBE goal only if the DBE's Subconsultant is itself a DBE and performs the work with its own forces. Work that a DBE subcontracts to a non-DBE firm does not count toward a DBE goal.

A prime Consultant may credit the entire amount of fees or commissions charged by a DBE firm for providing a bona fide service, such as professional, technical, Consultant, or managerial services, or for providing bonds or insurance specifically required for the performance of a USDOT-assisted contract, provided the fees are reasonable and not excessive as compared with fees customarily allowed for similar services.

### **11.0 Submission with Proposal:**

All Proposers are required to certify in their proposal on the "Disadvantaged Business Enterprise (DBE) Goal Commitment Form" either:

- (1) The established goal for DBE participation has been met and arrangements have been made at the time of submission with certified DBEs or
- (2) The Proposer has been unable to meet the goal prior to the submission of the bid and has attached completed "Consultant Certification of Good Faith Efforts".

**PROPOSALS SUBMITTED WITH ALTERED, INCOMPLETE, OR UNSIGNED FORMS WILL BE CONSIDERED NON-RESPONSIVE.**

Certifications on forms other than those furnished by Maricopa Association of Governments will be considered

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non-responsive.

**12.0 Proposer Meeting DBE Goal:**

**12.01 General:**

If the Proposer indicates in its submissions that it has met or exceeded the DBE goal, the Consultant Intended Participation Affidavit and a DBE Subconsultant Intended Participation Affidavit must be submitted for each DBE that it is participating in the contract as provided on the Affidavit.

- (1) The Consultant Intended Participation Affidavit, must be received by the Maricopa Association of Governments with the proposal package. This Affidavit shall indicate that the Proposer has met or exceeded the DBE goal if this was indicated on the submittal.
- (2) The Affidavit must be accurate and complete in every detail and must be signed by an officer of the CONSULTANT(S).
- (3) The Consultant Intended Participation Affidavit must be submitted listing the DBEs used and the creditable amounts.
- (4) A separate DBE Subconsultant Intended Participation Affidavit must be submitted for each DBE used to meet the goal of the project. The Proposer shall indicate each DBE's name, the work items the DBE will perform, and proposed subcontract amount. All partial items must be explained. If not, the DBE will be considered to be responsible for the entire item.
- (5) A Proposer must determine DBE credit in accordance with Section 10 above, entitled "Crediting DBE Participation Toward Meeting Goals." The Affidavits will be reviewed by the Maricopa Association of Governments.
- (6) Only those DBE firms certified by the Arizona Unified Certification Program (AZUCP) will be considered. It shall be the Proposer's responsibility to ascertain the certification status of designated DBEs.

**13.0 Documented Good Faith Effort:**

**13.01 General:**

If the Proposer has stated in its proposal that it has been unable to meet the DBE goal, that Proposer must demonstrate, through detailed and comprehensive documentation, that good faith efforts have been made to solicit, assist, and use DBE firms to meet the DBE goal prior to proposal submission.

Failure to demonstrate good faith efforts to the satisfaction of ADOT will result in the rejection of the proposal.

The Proposer who cannot meet the DBE goal at the time of submission must submit its documentation of good faith effort to Maricopa Association of Governments, at the time of proposal submission.

Proposers are encouraged to review Appendix A of 49 CFR Part 26.

In order to be awarded a contract on the basis of good faith efforts, the Proposer must show that it took all necessary and reasonable steps to achieve the DBE goal which, by their scope, intensity, and appropriateness to the objective, could reasonably be expected to obtain sufficient DBE participation, even if they were not fully successful. The Maricopa Association of Governments will consider the quality, quantity, and intensity of the different kinds of efforts the Proposer has made. The efforts employed by the Proposer should be those that one could reasonably expect a Proposer to make if the Proposer were actively and aggressively trying to

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obtain DBE participation sufficient to meet the DBE goal. Mere pro forma efforts are not sufficient good faith efforts to meet the DBE contract requirements.

The Proposer shall, as a minimum, seek DBEs in the same geographic area in which it generally seeks subs for a given project. If the Proposer cannot meet the goals using DBEs from this geographic area, the Proposer, as part of its effort to meet the goals, shall expand its search to a reasonably wider geographic area.

The following is a list of types of efforts a Consultant must address when submitting good faith effort documentation.

- (1) Soliciting through all reasonable and available means (e.g., attendance at pre-bid meetings, advertising, written notices, and other means) the interest of all certified DBEs who have the capability to perform the work of the contract. The Proposer must solicit this interest within sufficient time to allow DBEs to respond to the solicitation. The Proposer must determine with certainty if the DBEs are interested by taking appropriate steps to follow-up initial solicitations.
- (2) Selecting portions of the work to be performed by DBEs in order to increase the likelihood that the DBE goals will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate DBE participation, even when the prime Consultant might otherwise prefer to perform these work items with its own forces.
- (3) Providing interested DBEs with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation.
- (4) Negotiating in good faith with interested DBEs. It is the Proposer's responsibility to make a portion of the work available to the DBE Subconsultants and suppliers, and to select those portions of work or material needs consistent with the available DBE Subconsultants and suppliers, so as to facilitate DBE participation. Evidence of such negotiation includes the names, addresses, and telephone numbers of DBEs that were considered; a description of the information provided from the plans and specifications for the work selected for subcontracting; and evidence as to why additional agreements could not be reached for DBEs to perform work.

A Proposer using good business judgment would consider a number of factors in negotiating with Subconsultants, including DBE Subconsultants, and would take a firm's price and capabilities as well as contract goals into consideration. However, the fact that there may be some additional costs involved in finding and using DBEs is not in itself sufficient reason for a Proposer's failure to meet the DBE goal, as long as such costs are reasonable. Also, the ability or desire of a prime Consultant to perform the work of a contract with its own organization does not relieve the Proposer of the responsibility to make good faith efforts. However, prime Consultants are not required to accept higher quotes from DBEs if the price difference is excessive or unreasonable. Documentation, such as copies of all other bids or quotes, must be submitted

- (5) Not rejecting DBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities. The Proposer's standing within its industry, membership in specific groups, organizations or associations and political or social affiliations (for example, union vs. non-union employee status) are not legitimate causes for the rejection or non-solicitation of bids in the Proposer's efforts to meet the project goal.
- (6) Making efforts to assist interested DBEs in obtaining bonding, lines of credit, or insurance as required by the recipient or Consultant.
- (7) Making efforts to assist interested DBEs in obtaining necessary equipment supplies, materials, or related assistance or services.

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- (8) Effectively using the services of available minority/women community organizations; minority/women consultants groups; local, state, and Federal minority/women business assistance offices; and other organizations as allowed on a case-by-case basis to provide assistance in the recruitment and placement of DBEs.

In determining whether a Proposer has made good faith efforts, Maricopa Association of Governments will take into account the ability of other Proposers to meet the DBE goal.

The Proposer will not be considered to have made good faith efforts if the Proposer failed to contact the Maricopa Association of Governments and the ADOT Civil Rights Office prior to the submission due date, either in writing, by e-mail, or by telephone, to inform the Maricopa Association of Governments and the ADOT Civil Rights Office of the firm's difficulty in meeting the DBE goals on a given project, and to request assistance. If the Proposer contacts Maricopa Association of Governments and the ADOT Civil Rights Office by telephone, the contact must be documented in a telephone log indicating the date and time of call, and name of the person to which he spoke. The telephone number for the ADOT Civil Rights Office is (602) 712-7761. The contact must be made in sufficient time to allow the ADOT Civil Rights Office to provide assistance. Proposers submitting good faith efforts to Maricopa Association of Governments are required to use the MAG Certification of Good Faith Effort form.

The Maricopa Association of Governments and the ADOT Civil Rights Office will analyze the submittal to determine if in fact good faith efforts have been demonstrated consistent with ADOT procedures and the Federal regulations, 49 CFR 26, Appendix A. Should the Proposer's Good Faith Effort submission be found unsatisfactory, the Proposer may appeal the determination of the Maricopa Association of Governments.

A written protest may be filed by the Proposer within five working days upon receipt of rejection of Good Faith Effort to the following address:

Office of the Executive Director  
Maricopa Association of Governments  
302 North First Avenue, Suite 300  
Phoenix, AZ 85003

An award will not be issued until a final determination regarding the Good Faith Effort is made.

**14.0 Time is of the Essence:**

TIME IS OF THE ESSENCE IN RESPECT TO THE DBE PROVISIONS.

**15.0 Contract Performance:**

Contract items of work designated by the CONSULTANT to be awarded to DBEs shall be performed by the designated DBE or MAG-approved DBE substitute. DBE contract work items shall not be performed by the CONSULTANT, or a non-DBE Subconsultant without prior approval by MAG. The DBE must perform a commercially useful function; that is, the DBE must manage, perform, and supervise a distinct element of work.

MAG reserves the right to inspect all records of the CONSULTANT and all records of the DBEs concerning this contract.

Within five working days of notice to proceed, the CONSULTANT shall upload electronic copies of signed DBE subcontract agreements to the Maricopa Association of Governments through ADOT's web-based payment tracking system <https://arizonalpa.dbesystem.com>. As part of this submittal, Consultants shall be required to log into the system and enter the name, contact information, and subcontract amounts for all

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Subconsultants and vendors performing on the project as verification that scopes of services and commitments made through the DBE Intended Participation Affidavits are being met.

Use of a DBE named on the DBE Intended Participation Affidavit is a condition of award. Substitution will not be allowed without written evidence from the prime Consultant and DBE that the DBE is unable or unwilling to perform. Consultants may not terminate a DBE subcontract for convenience, in whole or in part, except to the extent that ADOT has eliminated items of work subcontracted to the DBE. All terminations, substitutions, and reductions in scope must be approved by MAG.

### **16.0 Non-Performance by DBEs:**

In the event a DBE is unable or unwilling to fulfill its agreement with the CONSULTANT, the CONSULTANT will immediately notify the MAG Project Manager and provide all facts surrounding the matter. Such failure on the part of a DBE will not relieve the CONSULTANT of responsibility for meeting the DBE goal on the contract. The CONSULTANT shall immediately make reasonable good faith efforts to obtain another certified DBE to perform an equal or greater dollar value of work to the extent needed to meet the DBE goal. The substitute DBE's name, description of work, and dollar value of work shall be submitted to the MAG Project Manager. Approval by MAG must be obtained prior to the substitute DBE beginning work.

In the event a prime Consultant is unable, after a substantial good faith effort, to obtain another certified DBE, ADOT's Civil Rights Office may lower or waive the DBE goal on the project. However, the ADOT Civil Rights Office must approve this in writing prior to a Non-DBE starting the work which had been subcontracted to the DBE.

### **17.0 Compliance:**

The CONSULTANTS achievement of the goal is measured by actual payments made to the DBEs. The CONSULTANT shall submit at the completion of the project the "Certification of Payments to DBE Firms" form for each DBE firm working on the project. This form shall be signed by the prime contract and the relevant DBE, and be submitted to MAG. Acceptance and final payment to the CONSULTANT will not be made until all "Certification of Payments to DBE Firms" forms are received and deemed acceptable to the Maricopa Association of Governments.

### **18.0 Sanctions:**

If the Maricopa Association of Governments determines that the CONSULTANT has failed to make sufficient reasonable efforts to meet contract DBE goals, or to otherwise carry out these DBE special provisions, such failure shall constitute a breach of contract and may result in termination of the contract, or any other such remedy as the MAG Project Manager deems appropriate.

If the MAG Project Manager determines that such failure is not cause to terminate the contract, an amount equal to the value of the DBE goal that was not obtained will be deducted from the payment due the CONSULTANT. However, if the failure is the first by the CONSULTANT, and the MAG Project Manager determines the failure was an unintentional error or oversight, the amount to be deducted may be reduced up to one-half ( $\frac{1}{2}$ ) of the value of the unobtained DBE goal as determined by the Maricopa Association of Governments. In addition to any other sanctions, willful failure of the CONSULTANT or a DBE to comply with this contract or with the Federal DBE regulations may result in disqualification from further contracting, subcontracting, or other participation in Maricopa Association of Governments projects.

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**APPENDIX H - DISADVANTAGED BUSINESS ENTERPRISE CONSULTANT INTENDED PARTICIPATION AFFIDAVIT**

To be completed by Prime Consultant only for contracts with DBE goals.

MAG Project Name \_\_\_\_\_

Date \_\_\_\_\_

Name of Prime Consultant \_\_\_\_\_

Directions:

1. This Affidavit must reflect the information included on the individual DBE Subconsultant Intended Participation Affidavit for each DBE Consultant OR DBE Tier Consultant.
2. A separate Subconsultant Affidavit must be submitted for EACH proposed Subconsultant DBE firm.
3. This Affidavit must be signed/notarized by an individual authorized to sign the SOQ proposals on behalf of the firm.
4. This Affidavit and all DBE Subconsultant Affidavits must be submitted with the proposal.

DBE Information: (Attach additional sheets as necessary.)

Name of DBE Firm, Consultant, Sub, or Tier Sub	Consultant, Subconsultant, or Tier Subconsultant (name one)	Type of Service to be Provided	Proposed Dollar Amount	Proposed % of DBE Participation
Total DBE Proposed Contract Value			\$	
Total Prime Contract Value			\$	
Total Percent (%) of DBE Commitment			%	
Contract DBE Goal			%	

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I certify that:

- My firm has accepted a proposal from the above named DBE Subconsultants.
- My firm has notified the proposed DBE Subconsultants of the estimated DBE commitment and this agreement is to be performed in accordance with DBE provisions of the contract.
- My firm's use of the proposed DBE Subconsultants for the item of work listed above is a condition of the contract award.
- My firm will invite the proposed DBE Subconsultants to attend any pre-negotiation conferences or other requested meetings related to this contract.
- My firm is required to make sufficient reasonable efforts to (sub) contract either the same or other work to an alternative certified DBE equal to the amount to attain the DBE commitment if a proposed certified DBE is unable or unwilling to perform the work or any part of the intended work.
- I understand that any work assigned to a certified DBE, who then subcontracts to a non-certified DBE will NOT count toward DBE goals.
- My firm will ensure that DBEs will perform commercially useful functions as part of this contract and will provide documentation to ADOT and MAG, such as subcontract agreements with DBE's, if requested, to validate such work.
- I understand that failure to comply with the information shown on this form will be considered grounds for contract sanctions and other sanctions.
- I declare under penalty or perjury in the second degree, and any other applicable state or federal laws that the statements made in this document are true and complete to the best of my knowledge.

**AFFIDAVIT**

The undersigned, having been first duly sworn, says that the information given in the above certificate is true and correct to the best of his/her knowledge and belief.

Signed: \_\_\_\_\_  
CONSULTANT/Authorized Representative

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

Subscribed and sworn (or affirmed) before me this \_\_\_\_\_ day \_\_\_\_\_, 20\_\_\_\_  
(Day) (Month) (Year)

by \_\_\_\_\_  
Name of Signer

(Seal) \_\_\_\_\_  
Affix Notary seal here Notary Public

My commission expires \_\_\_\_\_

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**APPENDIX I - DISADVANTAGED BUSINESS ENTERPRISE SUBCONSULTANT INTENDED PARTICIPATION AFFIDAVIT**

To be completed by the DBE Subconsultant only for contracts with DBE goals.

MAG Project Name: \_\_\_\_\_

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

Name of Prime Consultant \_\_\_\_\_

Name of the DBE Subconsultant \_\_\_\_\_

\* DBE Tier Subconsultant Name: \_\_\_\_\_

Subcontracted by: \_\_\_\_\_

\* Tier Subconsultant refers to any Subconsultant that is contracted by another Subconsultant at any level.

**Directions:**

1. This Affidavit must be completed by all DBE Subconsultants and DBE Tier Subconsultants and signed by an officer or principal of the Subconsultant DBE firm and submitted to the CONSULTANT.
2. A separate Affidavit must be submitted for EACH proposed Subconsultant DBE firm.
3. List all full and partial services to be provided by the above named DBE Subconsultant firm.
4. All partial services provided must be fully explained. If not, the DBE will be considered to be responsible for the entire services to be performed. Attach additional sheets as necessary.
5. All DBE Subconsultant Affidavits must be submitted with the Proposal.

LIST ALL FULL AND PARTIAL SERVICES TO BE PROVIDED BY THE ABOVE NAMED DBE FIRM (Partial services must be explained. Use additional sheets if needed.)	
DBE Firm's Estimated Budget for the Contract/Task Order	

**Subconsultant Certification:**

I certify that:

- My firm has made an arrangement/agreement with the above named CONSULTANT to do work listed above for the proposed contract.
- My firm agrees to the proposed DBE commitment above and agrees to perform the services in accordance with the DBE provisions of the contract.
- My firm will complete 100% of the work listed above or intends to subcontract \_\_\_% of the work to another DBE firm to another DBE firm and/or \_\_\_% to another Non-DBE firm.

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Name of other DBE firm(s): \_\_\_\_\_

I understand that:

- The use of my DBE firm for the items of work listed above is a condition of the CONSULTANT being awarded this contract.
- My firm must attend any pre-negotiation, partnering conferences or other required meetings related to this contract.
- If I assign any work to a non-certified DBE firm, I must inform the CONSULTANT because the work will NOT count towards the DBE goal and it will LOWER my DBE participation.
- I understand that failure to comply with the information shown on this form will be considered grounds for contract sanctions and other sanctions.
- I declare under penalty of perjury in the second degree, and any other applicable state or federal laws that the statements made on this document are true and complete to the best of my knowledge.

**AFFIDAVIT**

The undersigned, having been first duly sworn, says that the information given in the above certificate is true and correct to the best of his/her knowledge and belief.

Signed: \_\_\_\_\_  
CONSULTANT/Authorized Representative

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

Subscribed and sworn (or affirmed) before me this \_\_\_\_\_ day \_\_\_\_\_, 20\_\_\_\_  
(Day) (Month) (Year)

by \_\_\_\_\_  
Name of Signer

(Seal)  
Affix Notary seal here

\_\_\_\_\_  
Notary Public

My commission expires \_\_\_\_\_

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**APPENDIX J - DISADVANTAGED BUSINESS ENTERPRISE  
GOOD FAITH EFFORT CERTIFICATION**

**To be completed by Prime Consultant only for contracts with DBE goals, should the Prime be unable to meet the DBE contract goal.**

The intent of this certification is to document the good faith efforts implemented by the proposing CONSULTANT in soliciting and utilizing DBE firms to meet DBE participation requirements for this contract. This certificate will assist MAG in determining whether the proposing CONSULTANT has implemented comprehensive good faith efforts. MAG will determine whether the CONSULTANT has made a satisfactory good faith effort to secure DBEs to meet the advertised contract goal. The burden of proof rests with the CONSULTANT.

Failure to implement good faith efforts to secure DBE participation to the satisfaction of MAG will result in the rejection of the proposal.

I, \_\_\_\_\_ do hereby acknowledge that I am the \_\_\_\_\_ of  
(Project Principal or Project Manager) (Title)

\_\_\_\_\_, who has been identified as the proposing CONSULTANT on the  
(Name of Firm)

following MAG project:

Contract Number	Task Order Number	Project Title	Estimate Contract Amount	DBE % ADOT Goal	DBE % Proposed

Provide a brief summary on why you believe your firm is unable to meet the DBE participation goals on this project (Attach additional pages if necessary.)

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I hereby certify that I have utilized comprehensive “good faith” efforts to solicit and utilize DBE firms to meet the DBE participation requirements of this contract proposal, as demonstrated by my responses to the following questions:

1. Notifying DBE Firms on Contracting Opportunities
  - a. In the table below, indicate which firms received written notification of work items to be subcontracted. In the appropriate space, also indicate when firms received subsequent telephone solicitations. Please attach additional page(s) so that all DBE companies contracted are listed.

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Name and Address of DBE Companies Contacted	Phone Number	Date of Written Notification	DBE (Yes/No)	Date of Follow-up Telephone Call

b. Identify publications in which announcements or notifications to DBEs were placed and published, if any.

Published Announcement/Publications (Please describe)	Date

c. Identify DBE associations or organizations that received written notifications from the CONSULTANT, including dates of all notifications. Provide name of person and date of follow-up call. If no follow-up calls made, explain why not. (Attach copies of letters sent as proof of notification.)

DBE Association/Organization	Date of Notification	Contact Person	Date of Follow-up Call

d. Were the services of the ADOT's Disadvantaged Business Enterprise Support Services Office (602-712-7761) used to assist in the recruitment of DBE Firms?

Yes  No

Contact was made by: Telephone  Written Correspondence   
 Date Contacted: \_\_\_\_\_ Person Contacted: \_\_\_\_\_

2. Identifying Subconsultant Work Items

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CONSULTANTS are encouraged to select portions of work to be subcontracted in a manner which will increase the likelihood of meeting DBE goals. In selecting work to be subcontracted, CONSULTANT will consider, where appropriate, breaking down contracts into economically feasible units to facilitate DBE participation.

- a. Which portion(s) or section(s) of the contract proposal, in terms of the nature of work, were selected to be subcontracted to DBE firms (or broken down into economically feasible units to facilitate DBE participation)?

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3. Providing Assistance to DBEs

- a. Explain any efforts undertaken to provide DBE firms with adequate information about project scope of work and requirements of the contract:

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- b. Describe any efforts undertaken to assist interested DBE firms in obtaining lines of credit or insurance required by ADOT or the CONSULTANT.

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- c. Describe any efforts undertaken, to assist interested DBE firms in obtaining necessary equipment, supplies, materials, or related assistance or services.

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- d. Describe any other efforts initiated to provide special assistance to DBE firms interested in participating in the project.

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**4. Soliciting Interested DBE Firms**

CONSULTANTS must solicit services in good faith with interested DBE firms. Proposals from interested DBE firms must not be rejected by CONSULTANTS without sound justification.

- a. Indicate in the table below which DBE firms submitted a proposal to your firm for this contract. Also, provide a brief explanation of why any of these DBE proposals were rejected.

Name/Contact Person of DBE Firm	Work Proposed and Explanation for Rejecting Proposal

- b. Other comments or information you want MAG to consider as part of your Good Faith Effort:

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**Note:** The information requested as set forth above is the minimum information required by ADOT’s Civil Rights Office to evaluate your firms’s “good faith efforts.” MAG and ADOT Civil Office may request that the CONSULTANT submit back-up documentation or additional information to validate actions taken to secure DBE participation in an effort to meet DBE goals.

Affidavit must be signed/notarized below by an individual authorized to sign and submit SOQ proposals on behalf of the firm.

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**AFFIDAVIT**

The undersigned, having been first duly sworn, says that the information given in the above certificate is true and correct to the best of his/her knowledge and belief.

Signed: \_\_\_\_\_  
CONSULTANT/Authorized Representative

STATE OF \_\_\_\_\_)

COUNTY OF \_\_\_\_\_)

Subscribed and sworn (or affirmed) before me this \_\_\_\_\_ day \_\_\_\_\_, 20\_\_\_\_\_  
(Day) (Month) (Year)

by \_\_\_\_\_  
Name of Signer

(Seal)  
Affix Notary seal here

\_\_\_\_\_  
Notary Public

My commission expires \_\_\_\_\_

**Maricopa Association of Governments Request for Proposals – Cave Creek/Carefree  
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**APPENDIX K - DISADVANTAGED BUSINESS ENTERPRISE  
CERTIFICATION OF PAYMENT**

The undersigned prime Consultant on MAG Project [Project Name] hereby, certifies that full payment was made, to the firm indicated for materials and/or work performed under this project's contract as follows:

Name of DBE Firm \_\_\_\_\_ was paid \$ \_\_\_\_\_

This certificate is made under Federal and State laws concerning false statement. Supporting documentation for this payment is subject to audit and should be retained for a minimum of three years from project acceptance date. In the event the DBE was not paid in accordance with affidavits submitted by the prime Consultant, all documentation supporting the CONSULTANT'S position should be submitted.

I DECLARE UNDER PENALTY OF PERJURY IN THE SECOND DEGREE, AND ANY OTHER APPLICABLE STATE OR FEDERAL LAWS, THAT THE STATEMENT MADE ON THIS DOCUMENT ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

\_\_\_\_\_  
(Prime Consultant)

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

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

The undersigned Subconsultant/supplier/manufacturer for the above named project hereby certified that payments were received and/or justification by CONSULTANT is correct.

I DECLARE UNDER PENALTY OF PERJURY IN THE SECOND DEGREE, AND ANY OTHER APPLICABLE STATE OR FEDERAL LAWS, THAT THE STATEMENTS MADE ON THIS DOCUMENT ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

\_\_\_\_\_  
(Subconsultant/Supplier/Manufacturer)

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

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