

REQUEST FOR PROPOSALS

**MARICOPA ASSOCIATION OF GOVERNMENTS (MAG)
STRATEGIC TRANSPORTATION SAFETY PLAN**



January 18, 2013

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PUBLIC NOTICE

REQUEST FOR PROPOSALS:

FY 2013 STRATEGIC TRANSPORTATION SAFETY PLAN

The Maricopa Association of Governments (MAG) is requesting proposals from qualified consultants for executing a project that would develop a comprehensive Strategic Transportation Safety Plan (STSP). The STSP will address what needs to be done, from a regional transportation planning perspective, to reduce the risk of death and serious injury to all road users in the Phoenix metropolitan region. The previous STSP was developed by MAG in 2005. The project will be completed in a maximum of 18 months from the date of the notice to proceed at a cost not to exceed \$300,000.

Detailed proposal requirements may be obtained by contacting the MAG Office at the address indicated below or may be downloaded from www.azmag.gov, under "RFPs and RFQs."

Proposals will be accepted until Noon MST (Mountain Standard Time) on February 19, 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 – Strategic Transportation Safety Plan

SCOPE OF SERVICES

Introduction

The Maricopa Association of Governments (MAG) is requesting proposals from qualified consultants for executing a project that will develop a comprehensive Strategic Transportation Safety Plan (STSP). The STSP will address what needs to be done, from a regional transportation planning perspective, to reduce the risk of death and serious injury to all road users in the Phoenix metropolitan region. The previous STSP was developed by MAG in 2005. Oversight for the development of the STSP will be provided primarily by the MAG Transportation Safety Committee. However, input will also be required from additional stakeholders that may not be represented on the committee.

DBE Goal/Commitment and Documentation

A DBE goal of 3.54% has been established on this contract. The Proposer is encouraged to obtain DBE participation above and beyond the goal on this project.

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.

This project will develop a comprehensive Strategic Transportation Safety Plan (STSP) updating the previous STSP adopted by MAG in 2005. The new STSP will establish a regional vision, goals, objectives, strategies, countermeasures and performance measures for transportation safety. The STSP will also identify strategies for addressing new areas of safety planning such as, spatial analysis and utilization of appropriate analytical methods from the Highway Safety Manual. The recommendations from the STSP will provide input to the Regional Transportation Plan.

Proposed Tasks

The Proposer is encouraged to be creative in developing a sound approach which achieves the goals for this project. The Proposer is urged to be as specific as possible when describing the activities that will be performed to support each task. The Proposer is also urged to make maximum use of 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 Proposer is required to adhere strictly to the following proposed tasks.

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Task 1: Road System Performance and Available Resources from a Road Safety Perspective

Subtask 1(a): Review Current State of Road Safety in the MAG Region

The Proposer will conduct a review of the current state of road safety in the MAG region and document the results. This Subtask review at minimum will include the following topics:

- Safety performance of the freeway and arterial street systems.
- Regional trends in crashes that involve fatalities and injuries.
- Fatal and injury crashes involving pedestrians and bicyclists.
- Fatal and injury crashes involving younger drivers.
- Fatal and injury crashes involving older drivers.
- Safety at railroad and LRT crossings.
- Availability of Trauma Centers, Emergency Medical Service response to serious crashes.

Subtask 1(b): Current Programs and Funding Resources for Road Safety Planning and Implementation

The Proposer will conduct a review of current programs and funding resources available for road safety planning and implementation and document the results. This Subtask review at minimum will include the following topics:

- Statewide Highway Safety Improvement Program (HSIP) – federal funds.
- MAG HSIP suballocation – a source of federal funds for low cost safety improvements.
- ADOT & MAG regional funds – state and local funds.
- MAG planning funds – federal funds.

Task 2: Establish Regional Vision and Goals for Transportation Safety

The Proposer will facilitate a workshop with the Stakeholders Group that will lead to the establishment of a road safety vision statement and road safety goals for the region. Some examples of vision and goal statements are:

Vision: Vision Zero – Achieving Zero Road Deaths OR Eliminating crash risks that leads to death and serious injuries.

Goals: Reduce all fatal and serious injury crashes by 10 percent in 10 years – this needs to be compatible with the goals established in the state's Strategic Highway Safety Plan (10 percent in 10 years reflects the goal in the state's 2007 SHSP).

Task 3: Emphasis Areas and Performance Measures

The Proposer will identify potential emphasis areas for future regional road safety initiatives and safety performance measures to be tracked at the regional level.

The 2005 STSP focused on the emphasis areas: (1) Roadway Safety; (2) Enforcement/Education/EMS; (3) Pedestrian/Bicyclist/Transit User.

The Proposer will identify emphasis areas for the MAG region that are based on crash history and

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trends. The period of analysis for crash trend review will be a minimum of 5 years: 2007 - 2011. For each emphasis area;

The Proposer will identify existing regional and local programs and activities, lead agencies.

The Proposer will identify potential opportunities for consolidation or better collaboration that could lead to improved effectiveness.

The Proposer will provide examples for programs and activities within each emphasis area that may be better addressed regionally (identify potential lead agency) or locally.

Task 4: Network Screening Methodologies for Prioritization of Road Safety Needs

The Proposer will conduct a review of the current MAG network screening methodology for ranking high risk intersections and recommend similar methods for: (1) screening road segments to identify segments with high crash risk; and (2) identifying locations of high crash risk for pedestrians and bicycle riders.

The Proposer will review and recommend current methodologies used for spatial analysis of crashes and also methodologies that incorporate land use and socioeconomic variables.

The Proposer will recommend Safety Performance Functions for intersection types represented in the Top 100 intersections for crash risk.

The Proposer will conduct a workshop on Predictive Road Safety Analysis and the application of SPFs for Network Screening.

Task 5: Incorporating Safety in the Regional Transportation Plan

The Proposer will identify resources needed for improving road safety performance towards achieving the regional road safety Vision and Goals.

The Proposer will develop potential regional transportation policies that could help improve overall road safety performance.

The Proposer will identify methodologies for assessing the impact of future regional transportation infrastructure alternatives on road safety performance – considering distribution of road risk across all modes of transportation in the region.

Task 6: Develop a Strategy to Incorporate Safety Enhancements in Road Infrastructure Projects

Develop a potential approach to encourage future MAG TIP projects that would incorporate safety features. Facilitate the introduction of Road Safety Assessments during project design review stage.

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Task 7: Improving Safety via Traffic Operations and ITS Solutions

The Proposer will review, address and document at minimum the following topics:

- Identify opportunities for improving safety through innovative traffic operations.
- Safer mid-block crossings, access management, improved signage and illumination.
- Sharing the road with bicyclists.
- Safer work zones.
- Driver alerts via future Connected Car applications.

Task 8: Monitoring and Reporting on System Performance and Program Effectiveness

The Proposer will identify any enhancements to the current MAG practices in reporting on road safety performance and will recommend approaches for monitoring the effectiveness of regional road safety programs and initiatives.

Task 9: Implementation Plan 2015 – 2025

The Proposer will prepare an implementation plan that identifies what needs to be done to carry out the recommended Strategic Transportation Safety Plan.

The implementation plan will include at minimum the following components:

- Safety Emphasis Areas – to be identified based on crash history.
- Regional Road Safety Initiatives – RSAs, Safety Training Workshops, New Regional Road Safety Initiatives, Public Education Campaigns, Targeted Enforcement.
- Potential State and Regional Resources – HSIP, RTP funds, MAG Work Program, Grants (NHTSA/GOHS).
- Roles and Responsibilities – FHWA, ADOT, MAG, Valley Metro, Local Agencies.
- Recommend schedule for implementation of proposed initiatives.

Task 10: Final Report, Executive Summary and Presentations

The Proposer will produce a Final Report and Executive Summary which will summarize all findings documented in Task 1-9 reports and shall not exceed 60 pages. The Executive Summary will be limited to four pages.

The Proposer will produce two project presentations. One limited to 20 slides and the second limited to 5 slides.

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Deliverable Products

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

Task 1 Report	Summary of the findings from Subtask 1(a) and Subtask 1(b).
Task 2 Report	Vision/Goal Setting Workshop, Task 2 report will summarize the workshop, participants involved and the discussion that resulted in the Vision and Goals.
Task 3 Report	Summary of Task 3 work performed and the results.
Task 4 Report	Predictive Road Safety Analysis Workshop, Task 4 Report will summarize the workshop work performed and the results.
Task 5 Report	Summary of Task 5 work performed and the results.
Task 6 Report	Summary of Task 6 work performed and the results.
Task 7 Report	Summary of Task 7 work performed and the results.
Task 8 Report	Summary of Task 8 work performed and the results.
Implementation Plan 2015-2025	
Final Report, Executive Summary and two PowerPoint presentations.	

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PROPOSAL REQUIREMENTS

Project Schedule and Cost

The estimated time frame for this project is 18 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 \$300,000. The date of the notice to proceed is anticipated to be May 1, 2013.

Proposal Delivery and Opening

- I. Eight (8) copies of the proposal must be submitted by Noon (Mountain Standard Time) on February 19, 2013. MAG's business hours are 8:00 AM to 5:00 PM, MST, Monday through Friday.

Maricopa Association of Governments
Attention: Sarath Joshua
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 Noon on February 19, 2013, at the MAG Offices, Palo Verde , 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.

- II. Any questions regarding this Request for Proposals should be submitted in writing to Sarath Joshua by fax at (602) 254-6490 or by email at sjoshua@azmag.gov no later than eight (8) working days prior to the closing date of February 19, 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 February 19, 2013. Additional information regarding MAG activities, including Committee meeting schedules, may be found on the MAG Web site <http://www.azmag.gov>.

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Include the following paragraph if you plan to have a Proposer's conference:

- III. A Proposer's Conference & DBE Networking Event for the project has been scheduled for 2:00 P.M., January 28, 2013, at the MAG Office, Ironwood 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 sjoshua@azmag.gov.

Proposal Content

It is required that the proposal:

- I. Be limited to a maximum length of 40 pages excluding a cover letter, table of contents, 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. Each page counted towards the page limit must be numbered sequentially. Blank pages are not included in the total page count. A maximum of three (3) 11 X 17 pages may be included for large tables with each counted as one page.
- II. 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.
- III. 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.
- IV. 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. Show the months in the schedule only as Month1, Month 2 etc. as the start date may change.
- V. 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.
- VI. Include résumés for major staff members assigned to the project. These résumés should focus on their experience in this type of project.
- VII. Include Proposer's recent experience (last five years) in performing work related to Transportation Safety Planning and in Strategic Planning. This description shall include the following:

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

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

- XII. 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.
- XIII. 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.
- XIV. 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.

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PROPOSER’S CHECKLIST

Before submitting a proposal, please make sure that all required information as specified in “Proposal Requirements”, on page 5 have been included.

- A 8 copies of the proposal with a maximum of 40 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 performing work related to Transportation Safety Planning and in Strategic Planning as described in “Proposal Content”, page 8 of this RFP.
- E Work plan including preliminary schedule, staffing plan, resumes, and similar experience.
- F Statement of proposer’s certification of compliance with Rules of Professional Conduct.
- G Labor cost allocation budget.
- H Signed certification of Proposer’s compliance with the rules of professional conduct set forth in A.A.C. R4-30-30.
- I Signed Proposer’s Information Form for prime consultant and for any proposed Subconsultants. Must be signed by a party authorized to bind the entity submitting the proposal.
- J Documentation of any potential conflicts of interest.
- K Debarment and Suspension Certification form.
- L Proposal submitted not later than Noon on February 19, 2013.
- M 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.

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PROPOSAL EVALUATION AND SELECTION PROCESS

- I. All proposals will be evaluated by an evaluation team consisting of MAG staff and MAG member agency staff. 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 the area of Transportation Safety. Proposers should identify the principal people who worked in the past on strategic planning 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.
- II. On the basis of the above evaluation criteria, selected firms submitting proposals may be interviewed prior to the selection of a consultant. If necessary, in-person interviews will be held between 9:00 A.M. and Noon MST on March 4, 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.
- III. MAG may conduct discussions with Proposers who submit proposals determined to be reasonably susceptible of being selected for award.
- IV. 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.

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- V. Contact with MAG or MAG Member Agency Employees. All firms interested in this RFQ/RFP (including the firm's employees, representatives, agents, lobbyists, attorneys, and subconsultants) will refrain, under penalty of disqualification, from direct or indirect contact for the purpose of influencing the selection or creating bias in the selection process with any person who may play a part in the selection process. This policy is intended to create a level playing field for all potential firms, and to protect the integrity of the selection process. All questions on this selection process should be addressed to the authorized representative at MAG.

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ADMINISTRATIVE REQUIREMENTS

- I. This Request for Proposals is for a cost-reimbursement plus fixed fee contract.
- II. 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).
- III. 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.
- IV. An audit examination of the CONSULTANT's records may be required.
- V. 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.
- VI. 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.

- VII. 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.
- VIII. 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

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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 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.

- IX. 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).

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.
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

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(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.

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							
		Raw Direct	Task 1	Task 2	Task 3	Task 4									
Personnel		Hourly Rate	(Task Description)	(Task Description)	(Task Description)	(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)		1.2500	\$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							
Total Labor With Overhead and Fee			\$ -	\$ -	\$ -	\$ -		\$ -							
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							
Total Prime Reimbursable Expenses			\$ -	\$ -	\$ -	\$ -		\$ -							
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								
Total Subconsultant Costs			\$ -	\$ -	\$ -	\$ -		\$ -							
								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							
Total Labor With Overhead and Fee			\$0.00	\$0.00	\$0.00	\$0.00		\$0.00							
Total Prime Reimbursable Expenses			\$0.00	\$0.00	\$0.00	\$0.00		\$0.00							
Total Subconsultant Costs			\$0.00	\$0.00	\$0.00	\$0.00		\$0.00							
GRAND TOTAL			\$ -	\$ -	\$ -	\$ -		\$ -							

v-6.10.2008

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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 Information 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

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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 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 of 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 Letterhead]

[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[Year]

[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

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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.

[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.

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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

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.
6. Proposer agrees to notify MAG of any change in the status or facts certified above, should one occur,

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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 _____

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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:

1. Disadvantaged Business Enterprise (DBE): a for-profit small business concern which meets both of the following requirements:
 - a. 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,
 - b. whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.
2. **Socially and Economically Disadvantaged Individuals:** any individual who is a citizen (or lawfully admitted permanent resident) of the United States and who is:

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- a. Any individual who is found to be a socially and economically disadvantaged individual on a case-by-case basis.
- b. 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.
3. **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.
4. Non-DBE: any firm that is not a DBE.
5. RACE-CONSCIOUS: a measure or program is one that is focused specifically on assisting only DBEs, including women-owned DBEs.
6. 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.

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

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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. 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.

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

[[Enter Percentage Number] Percent

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All Proposers are required to submit with their proposal DBE Consultant and DBE Subconsultant Affidavits **OR** a Good Faith Effort Certificate.

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.

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.

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

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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 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.

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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 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 sub s 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.

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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.
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 ADOT Civil Rights Office prior to the letting, either in writing, by e-mail, or by telephone, to inform the Maricopa Association of Governments and 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 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

14.0 Time is of the Essence:

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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 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

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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	

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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.

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 following

(Name of Firm)

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.)

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.

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

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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

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:

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

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

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

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.

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- 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:

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.

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

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 ARIZONA)

COUNTY OF _____)
(Arizona County)

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 K - DISADVANTAGED BUSINESS ENTERPRISE CERTIFICATION OF PAYMENT

The undersigned prime Consultant on MAG Project STRATEGIC TRANSPORTATION SAFETY PLAN 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: _____