

FTA DBE PROGRAM PLAN FFYs 2021-2023



**City of Tucson
Business Enterprise
Compliance Program**

October 1, 2020

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INTRODUCTION

The City of Tucson Business Enterprise Compliance Program (BECP) submits this Disadvantaged Business Enterprise (DBE) Program Plan to the United States Department of Transportation (DOT), acting through the Federal Transit Administration (FTA) in accordance with 49 CFR Part 26, as amended.

The DBE Program described herein is designed by the City of Tucson to satisfy the DBE regulations codified at 49 CFR Part 26, as amended.

GOAL ADVERTISEMENT AND PUBLIC PARTICIPATION 49 CFR PART 26.45(g)(1)(2)

The City of Tucson submits its overall goal to DOT on August 1st of every third year as required. The due date was extended to October 1, 2020 due to the pandemic. The City will begin using its overall goal on October 1st of each year, unless other instructions are received from DOT. The City of Tucson was placed on a 3-year cycle effective August 1, 2011.

PUBLIC COMMENT AND INPUT

In accordance with goal-setting and public participation regulatory requirements, the City of Tucson conducted the following activities to facilitate and encourage public participation in the overall DBE goal-setting process.

- ** Hosted two (2) virtual public participation meeting on August 10, 2020 and August 12, 2020. (See Appendix A for the virtual meeting attendance and Q&A reports). Attendees were provided an overview of the City of Tucson's proposed DBE program, goal-setting methodology and proposed DBE plan for FFY 2021-2023. the following virtual public meetings to allow for discussion and stakeholder group and citizen input on the DBE Plan and Goal Proposal for Federal Fiscal Years (FFYs) 2021-2023.

Monday, August 10, 2020
9 am – 11 am

There was one (1) attendee from the Arizona Builders Alliance. No questions or comments were received about the proposed DBE Plan & Goal.

Wednesday, August 12, 2020
2 pm – 4 pm

There were no attendees at this meeting.

- ✱✱ Notification of the meetings was published on Page 1 of the Draft FTA DBE Plan & Goal document and on the City of Tucson's Department of Procurement, Vendor/DBE webpage at https://tucsonprocurement.com/bidders_DBE.aspx (See Appendix B).

No comments, questions or inquiries were received regarding the proposed DBE Plan & Goal.

- ✱✱ The FTA DBE Plan & Goal Proposal for FFY 2021-2023 was advertised in a public format on the City of Tucson's Department of Procurement's website (See Appendix B). The public notice advertised of the 45-day comment period with instructions on how and where to submit comments and/or questions. Comments and questions were sent to the Contract Administration Manager at Lloyd.Windle@tucsonaz.gov and emails auto-populated to a folder designated solely for this purpose.

No comments, questions or inquiries were received regarding the proposed DBE Plan & Goal.

- ✱✱ Notification of the public participation meetings and the Draft FTA DBE Plan & Goal Proposal were emailed to the following stakeholder groups. The stakeholder groups also received a phone call notification. (See Appendix C).
- City's SBE/DBE database
 - Arizona Construction Trades
 - Arizona Transportation Builders Association
 - Arizona Small Business Association
 - AZSBDC – Pima Community College
 - Tucson Hispanic Chamber of Commerce
 - National Association of Women Business Owners
 - YWCA, Women's Business Owners
 - Minority and Small Business Alliance of Southern Arizona & Southern AZ Minority Enterprise Development
 - Arizona Builders Alliance

The stakeholder groups verified receipt of the proposed DBE Plan & Goal by either email or phone. (See Appendix I). The City did not receive an invitation from any of the stakeholder groups to present and discuss the proposed DBE Plan & Goal. The City responded to several questions/comments submitted on behalf of the members of the Arizona Transportation Builders Association. (See Appendix H).

POLICY STATEMENT

City of Tucson
Policy Statement

U.S. Department of Transportation
DBE Diversity Program for Contracts

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

It is the policy of the City of Tucson to ensure that DBE's, as defined in 49 CFR Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also our policy:

1. To ensure nondiscrimination in the award and administration of DOT-assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for DOT-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 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs in DOT-assisted contracts;
6. To assist the development of firms that can compete successfully in the market place outside the DBE Program.

Jeffrey Yates, Director of the Business Services Department has been designated as the DBE Liaison Officer. In that capacity, Mr. Yates is responsible for implementing all aspects of the DBE Program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by the City of Tucson in its financial assistance agreements with the Department of Transportation. The Department of Procurement is also responsible for implementation of the City of Tucson's Small Business Enterprise (SBE) Program and certifies economically disadvantaged business for participation in the City SBE Program.

The City of Tucson has disseminated this policy statement to Mayor & Council, to all City Department Directors and Tucson Department of Transportation (TDOT) staff. The City subrecipients, Sun Tran, Sun Link and Van Tran, have received a copy with instructions for organizational distribution. This statement has also been distributed to DBE and non-DBE business communities that perform work for the City on DOT-assisted contracts. This policy statement and the DBE Program Plan has been incorporated into the City of Tucson's FTA Procedures Manual. A copy of this policy statement is posted on the Department of Procurement website at http://www.tucsonprocurement.com/bidders_DBE.aspx. Scroll to Related Documents and Forms.

The complete DBE Program and the overall annual goal analysis are available for review at:

City of Tucson
Department of Procurement
255 W. Alameda, 8th Floor - East
Tucson, Arizona 85701

If you have any question or would like further information regarding this Program, please contact Jeffrey Yates, Director of Business Services Department at 520-837-4338, by fax at 520-791-4735 or by email at Jeffrey.Yates2@tucsonaz.gov



Michael J. Ortega, P.E.
City Manager

SUBPART A GENERAL

A. Objectives (Section 26.1)

It is the policy of the City of Tucson to ensure that DBE's, as defined in 49 CFR Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also our policy:

1. To ensure nondiscrimination in the award and administration of DOT-assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for DOT-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 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs in DOT-assisted contracts;
6. To assist the development of firms that can compete successfully in the marketplace outside the DBE Program.

B. Applicability (Section 26.3)

The City of Tucson is the recipient of federal financial assistance from the Federal Transit Administration (FTA) of the U.S. Department of Transportation (DOT) and has established a Business Enterprise

Compliance Program (BECF) for Contracts in accordance with regulations of the DOT 49 CFR 26, which is incorporated herein by this reference. The DBE Program outlined herein applies to all City and subrecipient contracts that are funded, in whole or in part, with FTA financial assistance. In the event of any conflicts or inconsistencies between the 49 CFR 26 and this DBE Program with respect to DOT-assisted contracts, 49 CFR 26 shall prevail.

C. Definitions (Section 26.5)

The City of Tucson uses the definitions contained in Part 26, Section 26.5, for this program, as follows:

Affiliation has the same meaning the term has in the Small Business Administration (SBA) regulations, 13 CFR part 121.

(1) Except as otherwise provided in 13 CFR part 121, concerns are affiliates of each other when, either directly or indirectly:

(i) One concern controls or has the power to control the other; or

(ii) A third party or parties controls or has the power to control both; or

(iii) An identity of interest between or among parties exists such that affiliation may be found.

(2) In determining whether affiliation exists, it is necessary to consider all appropriate factors, including common ownership, common management, and contractual relationships. Affiliates must be considered together in determining whether a concern meets small business size criteria and the statutory cap on the participation of firms in the DBE program.

Alaska Native means a citizen of the United States who is a person of one-fourth degree or more Alaskan Indian (including Tsimshian Indians not enrolled in the Metlaktla Indian Community), Eskimo, or Aleut blood, or a combination of those bloodlines. The term includes, in the absence of proof of a minimum blood quantum, any citizen whom a Native village or Native group regards as an Alaska Native if their father or mother is regarded as an Alaska Native.

Alaska Native Corporation (ANC) means any Regional Corporation, Village Corporation, Urban Corporation, or Group Corporation organized under the laws of the State of Alaska in accordance with the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601, *et seq.*).

Assets mean all the property of a person available for paying debts or for distribution, including one's respective share of jointly held assets. This includes, but is not limited to, cash on hand and in banks, savings accounts, IRA or other retirement accounts, accounts receivable, life insurance, stocks and bonds, real estate, and personal property.

Business, business concern or business enterprise means an entity organized for profit with a place of business located in the United States, and which operates primarily within the United States or which makes a significant contribution to the United States economy through payment of taxes or use of American products, materials, or labor.

Compliance means that a recipient has correctly implemented the requirements of this part.

Contingent Liability means a liability that depends on the occurrence of a future and uncertain event. This includes, but is not limited to, guaranty for debts owed by the applicant concern, legal claims and judgments, and provisions for federal income tax.

Contract means a legally binding relationship obligating a seller to furnish supplies or services (including, but not limited to, construction and professional services) and the buyer to pay for them. For purposes of this part, a lease is considered to be a contract.

Contractor means one who participates, through a contract or subcontract (at any tier), in a DOT-assisted highway, transit, or airport program.

Days mean calendar days. In computing any period of time described in this part, the day from which the period begins to run is not counted, and when the last day of the period is a Saturday, Sunday, or Federal holiday, the period extends to the next day that is not a Saturday, Sunday, or Federal holiday. Similarly, in circumstances where the recipient's offices are closed for all or part of the last day, the period extends to the next day on which the agency is open.

Department or *DOT* means the U.S. Department of Transportation, including the Office of the Secretary, the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), and the Federal Aviation Administration (FAA).

Disadvantaged Business Enterprise or *DBE* means a for-profit small business concern—

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

DOT-assisted contract means any contract between a recipient and a contractor (at any tier) funded in whole or in part with DOT financial assistance, including letters of credit or loan guarantees, except a contract solely for the purchase of land.

Good faith efforts (GFE) means efforts to achieve a DBE goal or other requirement of this part which, by their scope, intensity, and appropriateness to the objective, can reasonably be expected to fulfill the program requirement.

Home state means the state in which a DBE firm or applicant for DBE certification maintains its principal place of business.

Immediate family member means father, mother, husband, wife, son, daughter, brother, sister, grandfather, grandmother, father-in-law, mother-in-law, sister-in-law, brother-in-law, and domestic partner and civil unions recognized under State law.

Indian tribe means any Indian tribe, band, nation, or other organized group or community of Indians, including any ANC, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians, or is recognized as such by the State in

which the tribe, band, nation, group, or community resides. See definition of “tribally-owned concern” in this section.

Joint venture means an association of a DBE firm and one or more other firms to carry out a single, for-profit business enterprise, for which the 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.

Liabilities mean financial or pecuniary obligations. This includes, but is not limited to, accounts payable, notes payable to bank or others, installment accounts, mortgages on real estate, and unpaid taxes.

Native Hawaiian means any individual whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.

Native Hawaiian Organization means any community service organization serving Native Hawaiians in the State of Hawaii which is a not-for-profit organization chartered by the State of Hawaii, is controlled by Native Hawaiians, and whose business activities will principally benefit such Native Hawaiians.

Noncompliance means that a recipient has not correctly implemented the requirements of this part.

Operating Administration or *OA* means any of the following parts of DOT: the Federal Aviation Administration (FAA), Federal Highway Administration (FHWA), and Federal Transit Administration (FTA). The “Administrator” of an operating administration includes his or her designees.

Personal net worth means the net value of the assets of an individual remaining after total liabilities are deducted. An individual's personal net worth does not include: The individual's ownership interest in an applicant or participating DBE firm; or the individual's equity in his or her primary place of residence. An individual's personal net worth includes only his or her own share of assets held jointly or as community property with the individual's spouse.

Primary industry classification means the most current North American Industry Classification System (NAICS) designation which best describes the primary business of a firm. The NAICS is described in the North American Industry Classification Manual—United States, which is available on the Internet at the U.S. Census Bureau Web site: <http://www.census.gov/eos/www/naics/>.

Primary recipient means a recipient which receives DOT financial assistance and passes some or all of it on to another recipient.

Principal place of business means the business location where the individuals who manage the firm's day-to-day operations spend most working hours. If the offices from which management is directed and where the business records are kept are in different locations, the recipient will determine the principal place of business.

Program means any undertaking on a recipient's part to use DOT financial assistance, authorized by the laws to which this part applies.

Race-conscious measure or program is one that is focused specifically on assisting only DBEs, including women-owned DBEs.

Race-neutral 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.

Recipient is any entity, public or private, to which DOT financial assistance is extended, whether directly or through another recipient, through the programs of the FAA, FHWA, or FTA, or who has applied for such assistance.

Secretary means the U.S. Secretary of Transportation or his/her designee.

Set-aside means a contracting practice restricting eligibility for the competitive award of a contract solely to DBE firms.

Small Business Administration or *SBA* means the United States Small Business Administration.

SBA certified firm refers to firms that have a current, valid certification from or recognized by the SBA under the 8(a) BD or SDB programs.

Small business concern means, with respect to firms seeking to participate as DBEs in DOT-assisted contracts, a small business concern as defined pursuant to section 3 of the Small Business Act and Small Business Administration regulations implementing it (13 CFR part 121) that also does not exceed the cap on average annual gross receipts specified in §26.65(b).

Socially and economically disadvantaged individual means any individual who is a citizen (or lawfully admitted permanent resident) of the United States and who has been subjected to racial or ethnic prejudice or cultural bias within American society because of his or her identity as a members of groups and without regard to his or her individual qualities. The social disadvantage must stem from circumstances beyond the individual's control.

(1) Any individual who is a recipient finds to be a socially and economically disadvantaged individual on a case-by-case basis. An individual must demonstrate that he or she has held himself or herself out, as a member of a designated group if you require it.

(2) Any individual in the following groups, members of which are rebuttably presumed to be socially and economically disadvantaged:

(i) “Black Americans,” which includes persons having origins in any of the Black racial groups of Africa;

(ii) “Hispanic Americans,” which includes persons of Mexican, Puerto Rican, Cuban, Dominican, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;

(iii) “Native Americans,” which includes persons who are enrolled members of a federally or State recognized Indian tribe, Alaska Natives, 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), Republic of the Northern Marianas Islands, Samoa, 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 SBA, at such time as the SBA designation becomes effective.

(3) Being born in a particular country does not, standing alone, mean that a person is necessarily a member of one of the groups listed in this definition.

Spouse means a married person, including a person in a domestic partnership or a civil union recognized under State law.

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

Tribally-owned concern means any concern at least 51 percent owned by an Indian tribe as defined in this section

You refers to a recipient, unless a statement in the text of this part of the context requires otherwise (i.e., ‘You must do XYZ’ means that recipients must do XYZ).

D. Nondiscrimination (Section 26.7)

The City of Tucson will not exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR 26 on the basis of race, color, sex, or national origin.

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

E. Record Keeping Requirements (Section 26.11)

The City of Tucson will report DBE participation on a semi-annual basis utilizing the B2G Contract Compliance Module. These reports will be submitted June 1 and December 1 and will reflect actual payments made to DBEs on federal DOT-assisted contracts. These reports will be on the federal share only.

F. Bidder's List (Section 26.11 (c))

The City of Tucson will create a bidders list, consisting of information about all DBE and non-DBE firms that bid or quote on federal DOT-assisted contracts. The purpose of this requirement is to allow use of the bidder's list approach to calculating overall goals.

The City of Tucson will collect the bidder's list information in the following ways:

1. A contract clause will be included in all solicitations requiring the prime contractors to report the required bidder's list information to the City of Tucson for all firms who quote to them as a subcontractor.
2. The City of Tucson will require all prime contractors submitting on federally-DOT assisted projects to submit the following information about the prime contractor and all subcontractors who provided a bid, proposal or quote to the prime contractor:
 - a. Firm's name
 - b. Firm's address
 - c. Firm's status as a DBE or non-DBE
 - d. The age of the firm
 - e. The annual gross receipts of the firm
 - f. Description of work to be performed or type of materials/supplies to be furnished on the contract
 - g. Dollar amount of that prime or subcontract.

In addition, the BECP maintains a registered vendor list as an additional source for vendor availability purposes.

G. Assurances (Section 26.13)

The City of Tucson has signed the following assurances, applicable to all federal DOT-assisted contracts and their administration:

Section 26.13 (a): The City of Tucson shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE Program or the requirements of 49 CFR 26. The recipient shall take all necessary and reasonable steps under 49 CFR 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. The recipient's DBE Program, as required by 49 CFR 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the City of Tucson of its failure to carry out its approved program, the DOT may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

Section 26.13 (b): The City of Tucson will ensure that the following clause will be included in every federal DOT-assisted contract and subcontract. The prime contractor will provide assurance that the following clause is included in each subcontract:

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

If BECP determines a subcontract does not include the appropriate clause, BECP will reject the subcontract agreement and require the Prime to include clause in their subcontract agreement in order for the subcontractor to be approved on the project.

H. Exemptions or Waivers (Section 26.15)

The City of Tucson understands that exemption or waiver may be requested and would follow the requirements outlined in Section 26.15.

SUBPART B ADMINISTRATIVE REQUIREMENTS

A. DBE Program Updates (Section 26.21)

The City of Tucson is a recipient of \$250,000 or more in FTA planning capital, and or operating assistance in a federal fiscal year, we will continue to carry out this DBE program until all funds from federal DOT financial assistance have been expended. The City will provide to the FTA updates representing significant changes in the program.

B. Policy Statement (Section 26.23)

The Tucson City Manager has signed and disseminated the policy statement to Mayor and Council, all City department directors and the Transportation and Mobility Department staff expressing the commitment of the City of Tucson to the DBE Program as required by Section 26.23. The City subrecipients, Sun Tran, Sun Link and Sun Van, have received a copy with instructions for organizational distribution. This statement has also been distributed to DBE and non-DBE business communities that perform work for the City on DOT-assisted contracts. A copy of this policy statement is posted on the Department of Procurement website at https://tucsonprocurement.com/bidders_DBE.aspx

C. DBE Liaison Officer (DBELO) (Section 26.25)

The City of Tucson has designated Jeffrey Yates, Director of the City of Tucson Business Services Department, as its DBE Liaison Officer (DBELO):

Jeffrey Yates, Director
City of Tucson Business Services Department
255 W. Alameda, 6th Floor West
Tucson, Arizona 85701
Phone: (520) 837-4338 Fax: (520) 791-4735

Jeffrey.Yates2@tucsonaz.gov

Mr. Yates has been appointed by and has direct, independent access to the City Manager, Michael Ortega, concerning DBE Program matters. The City of Tucson Organizational Chart can be found in Appendix D.

In this capacity, Mr. Yates, along with assigned staff members, is responsible for implementing all aspects of the DBE Diversity Program and ensuring that the City of Tucson complies with all provisions of 49 CFR 26.

The DBE Liaison Officer is responsible for developing, implementing, and monitoring the DBE Program. The DBE and SBE program employ 3-1/3 full time employees, who directly report to the City of Tucson Business Services Director.

The employees of the DBE Program include a Contract Administration Manager, two (2) Business Enterprise and Compliance Specialists (BECS) and a Program Technician (PT). The DBE Program encompasses approximately 35% of the Contract Administration Manager's time and this position is responsible for DBE program oversight and management. The BECS are responsible full time for DBE certification, goal setting, pre-bid meetings, pre-construction meetings, contractor and subcontractor program compliance, prompt payment compliance, commercial useful function (CUF) review, program outreach and education, etc.

The DBELO will work closely with the City Attorney's Office, the Transportation and Mobility Department, City of Tucson Procurement staff, and contract officials from Sun Tran, Sun Van, and Sun Link. The duties and responsibilities of the DBELO include the following:

1. Gathers and reports statistical data and other information as required by DOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with Transportation, General Services and any department receiving FTA funding to set overall annual goals.
4. Ensures that bid notices, requests for proposals and request for qualifications are available to DBEs in a timely manner.
5. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals attainment).
6. Analyzes City of Tucson's progress toward attainment and identifies ways to improve progress.
7. Participates in the contracting process from solicitation to award, including reviewing specifications, establishing specific contract goals (where appropriate), attending pre-bid, pre-proposal, pre-construction conferences, evaluating submittals for program responsiveness, responsibility and good faith efforts related to the DBE programs requirements.
8. Advises the City Manager and Mayor and Council on DBE matters and achievements.
9. Chairs the DBE Advisory Committee (if formed).

10. Advises stakeholder groups, such as the City of Tucson Small, Minority, Women Business Commission (SMWBC) on program updates and modifications.
11. Provides DBE's with information and assistance, as appropriate, in preparing bids/proposals and, obtaining bonding and insurance.
12. Plans and participates in DBE training seminars.
13. Certifies DBEs according to the criteria set by DOT. Participates as a member of the Arizona Uniform Certification Process (AZUCP).and works closely with the Arizona Department of Transportation (ADOT) and City of Phoenix as the Arizona UCP DBE certifying agencies and maintaining an updated directory on certified DBE's.
14. Provides outreach to DBEs, SBEs and community organizations to advise them of contracting opportunities ensuring contracting information is available to identified DBEs and SBEs in a timely manner.
15. In conjunction with ADOT and City of Phoenix, maintains the updated directory on certified DBEs.

D. DBE Financial Institutions (Section 26.27)

The City of Tucson will investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in Pima County, to make reasonable efforts to use these institutions and to encourage prime contractors on DOT-assisted contracts to make use of these institutions. These investigations will be conducted on a tri-annual basis. The City has not identified any such institutions through its research efforts including a query of the DBE database and the most recent U.S. Census data.

E. Prompt Payment Mechanisms (Section 26.29)

The City of Tucson will include the following clauses in all federal DOT –assisted prime contracts:

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than seven (7) days from the receipt of each payment the prime contractor receives from the City of Tucson. The prime contractor further agrees to return retainage payments to each subcontractor within 30 days after the subcontractors work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of the City of Tucson. This clause applies to both DBE and non-DBE subcontracts.

The City of Tucson requires that the prime contractor and each subcontractor of any tier must pay all subcontractors for satisfactory performance of their contracts within seven (7) days from the receipt of each progress payment made by the City of Tucson. Appendix E, City of Tucson Procurement

Operational Policy, Prompt Payment Procedures details the prompt payment requirements of the prime contractor and the City of Tucson staff. These requirements will be monitored through the City of Tucson on-line compliance program (B2GNow system).

F. DBE Directory (Section 26.31)

The City of Tucson participates in the Arizona Unified Certification Program with the Arizona Department of Transportation and City of Phoenix' The AZUCP agencies work closely to ensure the certification processes is standardized and uniform in its application.

Only firms that have been issued a letter of certification and DBE certificate will be listed in the Directory. The Directory lists the firm's name, address, phone number, date of certification expiration, and the type of work the firm has been certified to perform as a DBE.

- The Directory is updated daily by the City of Tucson, City of Phoenix, and Arizona Department of Transportation. The Directory is located on-line at <https://utracs.azdot.gov/Search>
- This Arizona Department of Transportation website provides the comprehensive DBE directory which can be sorted in a variety of ways including by state, city, NAICS Code, NAICS Description, etc. City staff have been instructing interested parties, including prime contractors, to search for DBEs using this website.

G. Overconcentration (26.33)

The City of Tucson has not identified that overconcentration exists in the types of work that the DBE's perform.

H. Business Development Program (Sections 26.35)

The City of Tucson does not have a Business Development Program in reference to DBE and SBE. However, the Department of Procurement works with the Pima Community College Small Business Development Center who conducts training sessions and trade fairs to educate and encourage firms to become certified in the DBE program.

I. Monitoring Performance and Enforcement Mechanism (Section 26.37)

The City of Tucson will take the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26.

1. We will bring to the attention of the DOT any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.109.

2. We will consider similar action under our own legal authorities, including responsibility determinations in future contracts. 49 CFR Part 26, Arizona Revised Statutes Title 34 and the Tucson Procurement Code lists the regulation, provisions, and contract remedies available to us in the events on non-compliance with the DBE regulation by a participant in our procurement activities.
3. We will also provide a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award is actually performed by the DBEs. This will be accomplished by:
 - Reviewing bid package documentation thoroughly for DBE certified firms.
 - Conducting on-site commercial useful function (CUF) reviews.
 - Monitoring payment amounts and promptness to the DBE firms for work committed to them at the time of award by utilizing the B2G Contract Compliance Module.
4. We will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award utilizing the B2Gnow Contract Compliance Module.

J. Fostering Small Business Participation (Section 26.39)

The City of Tucson has established a race neutral Small Business Enterprise (SBE) program that offers incentives to small businesses located in Pima County, Arizona interested in doing business with the City of Tucson. The small business size is defined by the current Small Business Administration (SBA) standards found in 13 CFR Part 121 appropriate to the type(s) of work the small business seeks to perform in. The City of Tucson verifies the size standards by reviewing the firm's gross sales (size standard in millions of dollars) from the most current three (3) years filed IRS tax returns and size standard by number of employees.

The incentives offered include a small purchase reserve program for goods and services and the establishment of subcontracting goals on professional design and construction projects in excess of \$100,000.

The small purchase reserve program allows the Director of Procurement to limit competition for small purchases (between \$10,000 and \$100,000) for goods and services to certified SBEs, when sufficient certified SBEs exist (3 or more). Where insufficient number of certified SBE firms exists, non-SBEs may be included in the quoting process for small purchases. When certified SBEs compete against non-SBEs, the price of a quote received from a certified SBE shall be adjusted by seven (7) percent for purposes of evaluating price.

The City of Tucson establishes subcontracting goals on professional design and construction projects over \$100,000. The goal is established by reviewing the size and the trade areas within the scope of work to ensure small business have the ability to compete for work on City of Tucson design and construction projects.

SUBPART C

GOALS, GOOD FAITH EFFORTS & COUNTING

A. Set-Asides or Quotas (Section 26.43) plan.

The City of Tucson will not set-aside contracts for DBEs or use DBE quotas in the administration of this DBE Program plan.

B. Methodology of Setting Overall DBE Goals (Section 26.45)

A description of the methodology to calculate the overall goal and the goal calculations can be found in Appendix F – FTA DBE Triennial Goal FFYs 2021-2023.

When the City of Tucson receives \$250,000 or more in FTA transit laws in Title 49 USC code *et seq* grants, the City of Tucson will prepare an appropriate triennial DBE goal and methodology. The DBE goal will not include FTA assistance used in transit vehicle procurements in the base amount from the overall triennial DBE goal calculation. The overall Race-Neutral and /or Race-Conscious DBE goal will be expressed as a percentage of the DOT federal grants.

Pursuant to 49 CFR Part 26, Section 26.45, the overall triennial goal will be submitted by August 1st of the year identified in the FTA schedule for DBE goal submission, unless otherwise instructed by the FTA.

The City of Tucson will identify the availability of ready, willing, and able DBEs in the target local market area. Based upon past procurement activities, the majority of DBEs and non-DBEs who bid and contract with the City of Tucson reside in Pima County. Therefore, the target local market is Pima County.

The DBE Liaison Officer, in consultation with the appropriate City officials responsible for contracting activities, will conduct a thorough analysis of the projected number, types of work, and dollar amounts of contracting opportunities that will be funded, in whole or in part, by DOT-assisted contracts during the triennial period. This analysis will exclude projected contract expenditures for transit vehicle purchases.

The City of Tucson will consult with community chambers of commerce, Small Business Development Centers, Minority and Women Business Owners, Minority and Women Business Associations, and other interested groups to obtain information concerning the availability of disadvantaged businesses. Based on the bid system list, which includes DBEs and Non-DBEs, the City of Tucson will send electronic notice through the registry and request input on business availability and the proposed DBE goal. Interchanges will occur throughout the triennial period to discuss and solicit comments on DBE participation and to inform small, women, and minority owned businesses about upcoming contract opportunities.

The DBE program consultation will include publishing a notice of proposed overall goal, informing the public that the proposed goal and its rationale are available for public inspection during normal business hours at City of Tucson, City Hall, 255 W. Alameda Street, 8th Floor east, Tucson, Arizona

85701 for 30 days following the date of notice and posted on-line at https://tucsonprocurement.com/bidders_DBE.aspx Comments will be accepted for 45 days from the date of notice. Normally, the notice will be posted by June 1st of the year the triennial DBE goal is due.

The overall DBE goal submission to the DOT will include a summary of information and comments received during the public consultation and participation process and our response to the comments.

The overall triennial DBE goal will begin on October 1st of the year the DBE goal is due to FTA, unless DOT provides additional instructions. If a DBE goal is established on a project basis, the project specific DBE goal will begin by the time the first solicitation for a DOT assisted contract is advertised.

The overall triennial DBE goal will be posted on the website until the goal is updated.

The triennial DBE Goal and Methodology is a separate document from the DBE Program Plan. The full text of the original triennial DBE Goal and Methodology will be available during the 45-day public participation period of the year the triennial DBE goal is due.

C. Transit Vehicle Manufacturers Goals (Section 26.49)

The City of Tucson will require each transit vehicle manufacturer, as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements, to certify that it has complied with the requirements of this section. The City of Tucson will verify that only those transit vehicle manufacturers listed on FTA's certified list of Transit Vehicle Manufacturers (<http://www.fta.dot.gov/civilrights/12891.html>) are eligible to submit and be awarded a contract. The City of Tucson will report all vehicle purchases within 30 days of making an award, the name of the successful bidder, and the total dollar value of the contract at <https://www.surveymonkey.com/r/vehicleawardreportsurvey> The City of Tucson will implement Race-Neutral measures to meet the maximum portion of the overall triennial DBE Goal in accordance with 49 CFR Part 26.51, including but not limited to:

- Partner with other city and state agencies in hosting events to reach out to the largest number of contractors possible;
- Host and participate in workshops for DBEs, SBCs, and SBEs;
- Post timely solicitations for bids to facilitate DBE participation;
- Where possible, unbundle large contracts to encourage DBEs to bid as prime contractors;
- Encourage prime contractors to identify subcontract work that DBEs may bid on;
- Provide pre-bid/pre-submittal conferences to explain solicitation requirements as well as to offer a networking opportunity for primes and subcontractors;
- Participate in pre-construction conferences to explain the contractual DBE requirements;
- Continue active efforts to unbundle contracts to encourage small business participation;
- Continue to be a resource to small businesses and assist them in the certification process;
- Reach out to small business contracting community to promote the value of DBE certification;
- Educate the contracting community on the best way to find DBE contractors. <https://utracs.azdot.gov/Search>;

- Partner with development organizations who provide small businesses access to capital, management and technical assistance, and business consulting services;
- Continue to promote the participation of DBEs, SBCs and SBEs at conferences and expos.

Note: Partnering with other agencies to host in person events, hosting/participating in in-person workshops and events and promoting participation at conferences and expos may not be feasible nor possible under the current health concerns associated with the pandemic. The City uses Microsoft Teams to conduct virtual meetings with its stakeholders groups.

2. Race- and Gender-Neutral Implementation Measures (Section 26.51 (d-g))

As a direct recipient of FTA funding, the City of Tucson has elected to operate a wholly race-neutral DBE Program. The City of Tucson understands that if there were a desire to have a race-conscious DBE Program, the City of Tucson must follow the DOT guidance to complete a disparity study on the FTA funding and fully consider the disparity study results that will establish the legal basis for race-conscious measures.

In the event a race-conscious contract goal is established, the contract goal will only apply to FTA-assisted contracts that have subcontracting possibilities. The methodology, to setting an individual race-conscious DBE goal on a contract, will generally follow the steps to establish the overall triennial DBE goal.

The City of Tucson will express the overall Race-Neutral and/or Race-Conscious DBE goal and/or the individual DBE contract goals as a percentage of the federal share of a FTA-assisted contract.

E. Good Faith Efforts Procedures for Contracts with A DBE Goal (Section 26.53)

1. Demonstration of Good Faith Efforts (Sections 26.53(a) & (c))

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

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

The City of Tucson will ensure that all information is complete and accurate and adequately documents the bidder/offer met the DBE goal or demonstrated good faith effort to meet the goal before a commitment is made to award the contract.

For discussion on Section 26.53, a bidder has the same meaning as a proposer or offeror. Bid the same meaning as purchase order or cost proposal. A contractor shall have the same meaning

as a construction contractor, prime contractor, prime consultant or material supplier, unless specified differently.

2. Award of Contract when the DBE Contract Goal is Met (Section 26.53(a)(1))

In those instances where a contract-specific DBE goal is included in a procurement/solicitation, the City of Tucson will award the contract to a bidder who documents that it has obtained sufficient DBE participation to meet the goal. The bidder will submit the DBE Commitment form with the bid submission.

3. Award of Contract when the DBE Contract Goal was Not Met and a Demonstration of Good Faith Effort was made (Section 26.53(a)(2))

In those instances where a contract-specific DBE goal is not met, the bidder's good faith effort documentation will be evaluated to determine if adequate good faith efforts were made to meet the DBE goal. The bidder will submit the DBE Commitment form with a copy of the DBE quote and good faith effort documentation with related supporting documents with their bid at bid opening.

4. Information to be Submitted (Section 26.53(b)(2))

Each solicitation for which a contract goal has been established will require the bidders/offerors to submit the following information:

1. The names and addresses of DBE firms that will participate in the contract;
2. A description of the work that each DBE will perform;
3. The dollar amount of the participation of each DBE firm participating;
4. Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;
5. Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractors commitment; and
6. If the contract goal is not met, evidence of good faith efforts.

A copy of the City of Tucson's Good Faith Effort form can be found at http://tucsonprocurement.com/bidders_DBE.aspx, under related documents and forms.

5. Demonstration and Evaluation of Good Faith Efforts
(Sections 26.53(a)(2) and (c))

The DBELO is responsible for determining whether a bidder who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsive to the DBE requirements. The City of Tucson treats bidders' compliance with good faith efforts' requirements as a matter of responsiveness.

The bidders will complete and submit the DBE Good Faith Effort form and associated documentation with their bid at bid opening. The process used to determine whether good faith efforts have been made by a bidder will include consideration of the following:

1. Documentation that the bidder attended the pre-bid meeting, if any, to network with DBEs on subcontracting opportunities.
2. Documentation that for at least five (5) business days before the bids are due, advertisements were placed in publications that DBEs use to find sub-bid opportunities. The advertisement should include, but not limited to, the description of the project; subcontracting opportunities; date the sub-bid is due, who to contact at the bidder's office on questions regarding the project plans and specifications, bidder's subcontract conditions and other pertinent project information that will impact the sub-bid price and sub-bid conditions.
3. Documentation that written solicitations were sent to sufficient number of DBEs, who could reasonably perform the subcontracting opportunities. The written solicitation will provide similar information as included in the notice of publication and where the DBE may obtain business service assistance in order to prepare the sub-bid.
4. Documentation on the follow-up efforts made with DBEs who did not respond to the initial written solicitation for sub-bids. Documentation to support the initial written and follow-up solicitation will include:
 - a. The names, addresses, and telephone numbers of DBEs that were contacted and the date(s) of contract.
 - b. A copy of the written information provided to DBEs regarding the project plans and specifications and general contract requirements for the work to be performed.
 - c. The result of the solicitation, to include the DBEs comments.
5. Documentation of efforts made to assist the DBEs who requested assistance in obtaining bonding or insurance or other bidding assistance such as equipment, supplies, materials or related assistance or services.
6. Documentation of efforts that bidder contacted the City of Tucson's Business Enterprise and Compliance Program to locate qualified DBEs or discuss if goal is reasonable based upon project.
7. Documentation of efforts to utilize the services of minority/women/small business organizations, community and contractor groups to locate qualified DBEs.
8. Documentation that the bidder has broken out contract work items into economically feasible units in fields where there are available DBE firms to perform the work.
9. Documentation for each DBE bid that was rejected, the reason the DBE bid was rejected.

The DBELO will analyze the information for truthfulness, completeness and that it adequately documents the bidder's good faith efforts.

If the DBE goal was met and/or a demonstration of good faith efforts was made, the City's Business Enterprise and Compliance Program will forward DBE goal approval to the Project Manager and/or Shared Services – Procurement Contract Officer for further bid processing.

If the DBE goal was not met and the bidder did not demonstrate adequate good faith efforts, the DBELO will prepare a report of findings and submit it to the Project Manager and/or Shared Services – Procurement Contract Officer for further processing. The bidder may request an Administrative Reconsideration meeting.

6. Administrative Reconsideration (Section 26.53(d)(2))

Within five (5) days of being informed by the City of Tucson that it is not responsive because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the reconsideration official.

The Transportation and Mobility Department City Engineer will serve as the Reconsideration Official. The City Engineer's contact information is:

Mr. Fred Felix, City Engineer
Transportation and Mobility
City of Tucson
201 N. Stone Ave.
Tucson, Arizona 85701
520-837-6620
Email: Fred.Felix@tucsonaz.gov

The reconsideration official is a City official who did not play any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.

As part of this reconsideration, the bidder/offeror will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder/offeror will have the opportunity to meet in person with our reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do. The City will send the bidder/offeror a written decision of reconsideration, explaining the basis for findings that the bidder did or did not meet the goal or make adequate good faith efforts to do so. The result of the reconsideration process is not administratively appealable to the DOT.

Note: Due to the pandemic and until further notice, the City has prohibited in person meetings with the public. Meetings will instead be conducted through the City's virtual meeting platform.

7. Good Faith Efforts when a DBE is Replaced on a Contract (Section 26.53(f))

The City of Tucson requires that a prime contractor not terminate a DBE subcontractor listed on a project with a DBE goal without the City of Tucson's prior written approval. Prior written consent will only be provided where there is "good cause" for termination of the DBE firm, as established by Section 26.53(f)(3) of the DBE regulation.

For purposes of this paragraph, good cause includes the following circumstances:

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

Before transmitting the request to terminate a DBE's subcontract, the prime contractor must give notice, in writing, to the DBE of its intent to do so. A copy of this notice must be provided to the DBELO prior to consideration of the request to terminate.

In those instances where "good cause" exists to terminate a DBE's contract, the City of Tucson will require the contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. The City of Tucson will require the prime contractor to notify the project manager and the DBELO immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.

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

If the contractor fails or refuses to comply in the time specified, the City of Tucson's Procurement Department will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, the contracting officer may issue a termination for default proceeding. See Appendix G, City of Tucson Procurement Operational Policy, Modifications of a DBE.

Sample Bid Specification:

The requirements of 49 CFR Part 26, Regulations of the U.S. Department of Transportation, apply to this contract. It is the policy of the City of Tucson to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this contract will be conditioned upon satisfying the requirements of this bid specification. These requirements apply to all bidders/offerors, including those who qualify as a DBE. A DBE contract goal of ____ percent has been established for this contract. The bidder/offeror shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26 (Attachment 1), to meet the contract goal for DBE participation in the performance of this contract.

The bidder/offeror will be required to submit the following information: (1) the names and addresses of DBE firms that will participate in the contract; (2) a description of the work that each DBE firm will perform; (3) the dollar amount of the participation of each DBE firm participating; (4) Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet the contract goal; (5) Written confirmation from the DBE that it is participating in the contract as provided in the commitment made under (4); and (5) if the contract goal is not met, evidence of good faith efforts.

F. Counting DBE Participation (Section 26.55)

The City of Tucson will count DBE as provided in 49 CFR 26.55 (a) through (h) towards the triennial overall DBE goal and where applicable towards the individual race-conscious contract goal. By reference, the City of Tucson incorporates in its entirety 49 CFR Part 26.55 (a) through (h) on how it will count DBE participation in its federally funded contracts and how it will credit the bidder on committing and utilizing DBE participation.

SUBPART D & E CERTIFICATION STANDARDS

A. Certification Process (Section 26.61 - 26.73)

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

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

City of Tucson
Procurement Operations
Business Enterprise Compliance Program
255 W. Alameda, 8th Floor - East
Tucson, Arizona 85710
520-837-4000

Ms. Margot Grossmann, Business Enterprise Compliance Specialist, phone: 520-837-4011, Margot.Grossmann@tucsonaz.gov

Mr. John Yslas, Business Enterprise Compliance Specialist, phone: 520-837-4141, email: John.Yslas@tucsonaz.gov

For access to the on-line DBE certification system, click on <https://tucsonaz.diversitycompliance.com/Default.asp?>

B. Unified Certification Programs (Section 26.81)

The City of Tucson is the member of the Arizona Unified Certification Program (AZUCP). The AZUCP uses the certification standards of Subpart D of Part 26 and the certification procedures of Subpart E of Part 26 to determine eligibility of firms to participate as DBEs in DOT/FTA-assisted contracts.

In compliance with 49 CFR Part 26.81 Arizona has established a Unified Certification Program (UCP) between the Arizona Department of Transportation (ADOT), City of Phoenix and City of Tucson. ADOT is the lead agency for the Arizona Unified Certification Program (AZUCP). The AZUCP provides "one-stop shopping" to applicants for certification, such that an applicant is required to apply only once for a DBE certification that is honored by all recipient agencies in the state. Therefore, certifications by all AZUCP Partner agencies are binding on all agencies receiving federal DOT funds in the State of Arizona.

The AZUCP is comprised of three certifying agencies: ADOT, City of Phoenix, and City of Tucson.

AZUCP Partners are assigned statewide geographical areas for DBE certification application processing as follows:

- **City of Phoenix** – Firms located in Phoenix and greater Maricopa County, AZ
- **City of Tucson** - Firms located in Tucson and greater Pima County, AZ
- **ADOT** – All other cities and counties in the state of Arizona and all interstate certifications

All three entities have a signed Operating Agreement to manage the certification program in a consistent manner.

C. Procedures for Certification Decisions (Section 26.83 (a-i))

As a member of the Arizona Unified Certification Program (AZUCP), the City of Tucson follows the standardized certification process developed by the three participation agencies (Arizona Department of Transportation, City of Phoenix and City of Tucson) in accordance with CFR part 26.83, thus ensuring that only firms certified as eligible DBEs under this section participate as DBEs in the City of Tucson program.

D "No Change" Affidavits and Notices of Change (Section 26.83(j))

The City of Tucson requires all DBEs to inform the City, in a written affidavit, of any change in its circumstances affecting its ability to meet size, disadvantaged status, ownership or control criteria of 49 CFR Part 26 or of any material changes in the information provided with the City of Tucson's application for certification.

The City of Tucson also requires all owners of all DBEs we have certified to submit, on the anniversary date of their certification, a "no change" affidavit meeting the requirements of 26.83(j). The affidavit reads as follows:

I swear (or affirm) that there have been no changes in the circumstances of the Company affecting its ability to meet the size, disadvantaged status, ownership, or control requirements for a "disadvantaged business enterprise" under 49 C.F.R. Part 26. There have been no material changes in the information provided with the Company's application for certification as a DBE/SBE, except for any changes about which the Company has previously notified the certifying agency or is now providing pursuant to annual update requirements.

The Company meets Small Business Administration (SBA) criteria for being a small business concern and its average annual gross receipts (as defined by SBA rules) over the Company's previous three fiscal. Enclosed with this affidavit is documentation supporting the size and gross receipts of the Company.

The City of Tucson requires DBEs to submit with this affidavit documentation of the firm's size and gross receipts.

The City will notify all currently certified DBE firms of these obligations within 30 days of the end of their certification period. This notification will inform DBEs that to submit the "no change" affidavit, their owners must swear or affirm that they meet all regulatory requirements of Part 26, including personal net worth. Likewise, if a firm's owner knows or should know that he or she, or the firm, fails

to meet a Part 26 eligibility requirement (e.g., personal net worth), the obligation to submit a notice of change applies.

E. Denials of Initial Requests for Certification (Section 26.85)

If the City of Tucson denies a firm's application, it will provide the firm a written explanation of the reasons for the denial, specifically rendering the evidence in the record that supports each reason for the denial. The firm may not reapply until 12 months have passed from the City's action.

F. Removal of a DBE's Eligibility (Section 26.87)

Decertification (Section 26.87)

In the event the City of Tucson proposes to remove a DBE's certification, the City will follow procedures consistent with Part 26.87, Appendix D.

The Director of Procurement will initiate a review of a certified firm where it is reported or determined from information gathered that the firm may no longer meet the DBE eligibility criteria.

The City of Tucson, as part of the AZUCP, has agreed to a designated hearing officer as its decision maker for decertification. The hearing officer is the Certification Manager for the Arizona Department of Transportation. The hearing officer is knowledgeable about the certification requirements of the City's DBE Program and does not take part in the actions leading to decertification. The hearing officer will not have participated in any way in the decertification proceeding against the firm (including the decision to initiate such a proceeding).

If the City denies a firm's application or removes its certification, it may not reapply until 12 months have passed from City action.

Firms may appeal the decertification decision to the DOT as outlined in 49 CFR Part 26, Appendix D.

G. Certification Appeals (Section 26.89)

Any firm or complainant may appeal the City of Tucson's decision in a certification matter to the USDOT. Such appeals must be sent within 90 days of the date of the recipient's final decision to:

U.S. Department of Transportation
Departmental Office of Civil Rights
External Civil Rights Programs Division (S-33)
1200 New Jersey Ave., S.E.
Washington, DC 20590
Phone: (202) 366-4754
TTY: (202) 366-9696
Fax: (202) 366-5575

The City of Tucson will promptly implement any DOT certification appeal decisions affecting the eligibility of DBEs for the City DOT-assisted contracting (e.g., certify a firm if DOT has determined that our denial of its application was erroneous).

SUBPART F

COMPLIANT AND ENFORCEMENT

A. Information, Confidentiality, Cooperation (Section 26.109)

The City of Tucson will safeguard from disclose to third parties information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law.

Notwithstanding any contrary provisions of state or local law, the City of Tucson will not release personal financial information submitted in response to the personal net worth requirement to a third party (other than DOT) without the written consent of the submitter.

B. Monitoring Payments to DBEs

The City of Tucson will require prime contractors to maintain records and documents of payments to DBEs for three years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of the City of Tucson or DOT. This reporting requirement also extends to any certified DBE subcontractor.

The Procurement Department has established a Procurement Operation Policy on DBE Prompt Payment Procedures (see Appendix E). The BECP will actively monitor progress payments from the City of Tucson to the prime contractor and proactively contact subcontractors to ensure compliance with the prompt payment requirements. BECP will also monitor project completion of subcontractors work and ensure prompt retention payments.

The City will keep a record of committed and actual payments to DBE firms. Upon completion of the contract, the prime contractor will be required to submit two forms to the Procurement Department: the Supplier and Subcontractor Utilization Final Payment Record and the Certification of Payments to DBE Firms.

The City will review the Certification of Payments to DBE Firms from the prime contractor to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts stated in the schedule of DBE planned participation or commitment.

The City of Tucson will perform interim audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts stated in the schedule of DBE participation.

APPENDICES

Appendix A	Public Outreach & Participation
Appendix B	Proof of Public Notification
Appendix C	Public Outreach & Participation Information
Appendix D	Organization Chart
Appendix E	City of Tucson Procurement Operational Policy, Prompt Payment Procedures
Appendix F	FTA DBE Triennial Goal FFYs 2021-2023
Appendix G	City of Tucson Procurement Operational Policy, Modifications of a DBE
Appendix H	Questions and Answers
Appendix I	Email Acknowledgement of Receipt of Plan & Goal

FY 2021- FY 2023 CITY OF TUCSON FTA DBE PROGRAM PLAN

APPENDIX A

Session Id	Participant Id	Full Name	UserAgent	UTC Event Timestamp	Action	Role	
a2a2e098-fde5-48c9-6741feac-ac5d-4ecd	Lloyd.Windle@tucsonaz.gov	Lloyd Windle	Mozilla/5	8/10/2020 3:53:10 PM	Joined	Event Team Member	
565cae81-d771-497e-6741feac-ac5d-4ecd	admin@ArizonaBuildersAlliance685.onmicrosoft.com	Timothy Bee	Mozilla/5	8/10/2020 4:01:20 PM	Joined	Attendee	
565cae81-d771-497e-6741feac-ac5d-4ecd	Nathan.Daou@tucsonaz.gov	Nathan Daou	Mozilla/5	8/10/2020 4:40:32 PM	Joined	Attendee	
565cae81-d771-497e-6741feac-ac5d-4ecd	Nathan.Daou@tucsonaz.gov	Nathan Daou	Mozilla/5	8/10/2020 4:46:04 PM	Left	Attendee	
a2a2e098-fde5-48c9-6741feac-ac5d-4ecd	Lloyd.Windle@tucsonaz.gov	Lloyd Windle	Mozilla/5	8/10/2020 4:51:53 PM	Left	Event Team Member	
565cae81-d771-497e-6741feac-ac5d-4ecd	admin@ArizonaBuildersAlliance685.onmicrosoft.com	Timothy Bee	Mozilla/5	8/10/2020 4:53:13 PM	Left	Attendee	

Source	Type	Identity	Timestamp	Conversation Id	Content					
Attendee	Question	Anonymous (Unverified)	8/10/2020 16:04	fb6d03fe-6695-497e-6741feac-ac5d-4ecd	Hi, It's Tim Bee with ABA.					
Attendee	Response	Anonymous (Unverified)	8/10/2020 16:07	fb6d03fe-6695-497e-6741feac-ac5d-4ecd	Thanks for including us!(Hi, It's Tim Bee with ABA.)					
Moderator	Response	John Yslas (John.Yslas)	8/10/2020 16:09	fb6d03fe-6695-497e-6741feac-ac5d-4ecd	You are welcome(Hi, It's Tim Bee with ABA.)					
Attendee	Response	Anonymous (Unverified)	8/10/2020 16:10	fb6d03fe-6695-497e-6741feac-ac5d-4ecd	I can't see it(Hi, It's Tim Bee with ABA.)					
Attendee	Response	Anonymous (Unverified)	8/10/2020 16:10	fb6d03fe-6695-497e-6741feac-ac5d-4ecd	I will open the document you sent to me. (Hi, It's Tim Bee with ABA.)					
Attendee	Response	Anonymous (Unverified)	8/10/2020 16:12	fb6d03fe-6695-497e-6741feac-ac5d-4ecd	Yes(Hi, It's Tim Bee with ABA.)					
					Another association that would likely be interested in this presentation is the Arizona Transportation Builders Association (ATB). Michele Bettini is the executive director. Her email address is michele@movingoureconomy.org. They are the local association representating the transportation contractors. (Hi, It's Tim Bee with ABA.)					
Attendee	Response	Anonymous (Unverified)	8/10/2020 16:48	fb6d03fe-6695-497e-6741feac-ac5d-4ecd						
					Thanks for your presentation! It was very easy to understand. I'll send out another note to my members encouraging them to participate in Wednesday's meeting.(Hi, It's Tim Bee with ABA.)					
Attendee	Response	Anonymous (Unverified)	8/10/2020 16:52	fb6d03fe-6695-497e-6741feac-ac5d-4ecd						
Attendee	Question	Anonymous (Unverified)	8/10/2020 16:04	ac39f495-71a6-447b-b1d1-2f3e41c2b60d	Hi, It's Tim Bee with ABA.					

APPENDIX B

FY 2021- FY 2023 CITY OF TUCSON FTA DBE PROGRAM PLAN

INTRODUCTION

The City of Tucson Business Enterprise Compliance Program (BEC) submits this Disadvantaged Business Enterprise (DBE) Program Plan to the United States Department of Transportation (DOT), acting through the Federal Transit Administration (FTA) in accordance with 49 CFR Part 26, as amended.

The DBE Program described herein is designed by the City of Tucson to satisfy the DBE regulations codified at 49 CFR Part 26, as amended.

PUBLIC COMMENT AND INPUT

The City of Tucson has scheduled the following virtual public meetings to allow for discussion and stakeholder group and citizen input on the DBE Plan and Goal Proposal for Federal Fiscal Years (FFYs) 2021-2023.

Monday, August 10, 2020

9 am – 11 am

https://teams.microsoft.com/l/meetup-join/19%3ameeting_M2U0YWZkNTgtODQ5Ni00MDMvLWFjYzQtYTZiN2UwNWQ3ZWEx%40thead.v2/0?context=%7b%22id%22%3a%22d21e59ec-c208-43eb-aafl-cf06d9a196e0%22%2c%22oid%22%3a%221426e6b8-ec9f-4958-800d-b991b7f5e120%22%2c%22IsBroadcastMeeting%22%3atrue%7d

Wednesday, August 12, 2020

2 pm – 4 pm

https://teams.microsoft.com/l/meetup-join/19%3ameeting_M2R1ZDRkZmMtOTlkNi00ZTI0LTk1ZWQ3ZWV5OGZmYjMwZTUw%40thead.v2/0?context=%7b%22id%22%3a%22d21e59ec-c208-43eb-aafl-cf06d9a196e0%22%2c%22oid%22%3a%221426e6b8-ec9f-4958-800d-b991b7f5e120%22%2c%22IsBroadcastMeeting%22%3atrue%7d

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Business Services Department

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- [Contact Us](#)
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- [SBE](#)
- [DBE](#)
- [Vendor Payments](#)

Shared Services Procurement & Procurement Operations

Disadvantaged Business Enterprise (DBE)

The DBE program was implemented to remedy past and current discrimination in contracting and procurement opportunities for disadvantaged businesses. It serves to create equal opportunity for those DBE firms doing business with the City of Tucson on projects receiving federal financial assistance.

DBE Plan

The City of Tucson is required to review and establish a new Disadvantaged Business Enterprise (DBE) Plan and Goal on a triennial basis. The City of Tucson, Business Services Department, Business Enterprise and Compliance Program has completed the draft FTA Program Plan and Goal Proposal for 2021-2023, and it is available at the following link for stakeholder review and input.

[Download DBE FTA Goals FY21 – FY23 \(PDF\)](#)

The City of Tucson also invites interested stakeholders to attend one of the following virtual public meetings scheduled on August 10th from 9 am – 11 am or August 12th from 2 pm – 4 pm. The link to each virtual meeting is on page 1 of the downloadable pdf document.

Submit questions and comments by September 17th to Lloyd B. Windle II via email at Lloyd.Windle@tucsonaz.gov. The subject line of the email should read - City of Tucson Draft FTA DBE Goal & Plan 2021-2023.

Due to the pandemic, the City of Tucson is unable to offer this document for review at City of Tucson offices at this time.

The City of Tucson's Business Enterprise and Compliance Program has established our FTA Triennial Disadvantaged Business Enterprise (DBE) Plan and Goal for federal fiscal years (FFY) 2018-2020.

FY 2021- FY 2023 CITY OF TUCSON FTA DBE PROGRAM PLAN

[EXTERNAL][BCS Support #15071] Posting to Tucsonprocurement.com

John Detloff via RT <support@bconserv.com>

Mon 8/3/2020 1:43 PM

To: Lloyd Windle <Lloyd.Windle@tucsonaz.gov>

Deployed to Production.

Closing ticket.

--

John Detloff

BCS Support

Re: [EXTERNAL][BCS Support #15071] Posting to Tucsonprocurement.com

Lloyd Windle via RT <support@bconserv.com>

Mon 8/3/2020 1:35 PM

To: Lloyd Windle <Lloyd.Windle@tucsonaz.gov>

Approved!

Thank You,

Lloyd B. Windle II, CPPO, CPPB, C.P.M.

Past President - Copper Chapter of NIGP 2018 - 2019

City of Tucson

Contract Administration Manager

Phone - (520) 837-4105

From: John Detloff via RT <support@bconserv.com>

Sent: Monday, August 3, 2020 1:30 PM

To: Lloyd Windle <Lloyd.Windle@tucsonaz.gov>

Subject: [EXTERNAL][BCS Support #15071] Posting to Tucsonprocurement.com

Lloyd,

This change has been made in the Dev area. Please review the change at (accessible via the City's internal network):

https://devprocurement.city.tucsonaz.gov/bidders_DBE.aspx

Let us know if this is approved for deployment to Production.

--

John Detloff

BCS Support

FY 2021- FY 2023 CITY OF TUCSON FTA DBE PROGRAM PLAN

[EXTERNAL][BCS Support #15071] AutoReply: Posting to Tucsonprocurement.com

BCS Support via RT <support@bconserv.com>

Mon 8/3/2020 12:52 PM

To: Lloyd Windle <Lloyd.Windle@tucsonaz.gov>

Greetings,

This message has been automatically generated in response to the creation of a trouble ticket regarding **Posting to Tucsonprocurement.com**, a summary of which appears below.

There is no need to reply to this message right now. Your ticket has been assigned an ID of **[BCS Support #15071]**.

Please include the string **[BCS Support #15071]** in the subject line of all future correspondence about this issue. To do so, you may reply to this message.

Thank you,
support@bconserv.com

Can you update the website today for the following? It's time sensitive information. Please post the following where indicated. Attached is a pdf document for which a link will need to be created for citizens to download. If you have questions, please email me.

Thank You,

Lloyd B. Windle II

On the Disadvantaged Business Enterprise (DBE) page. Here is the link.

https://tucsonprocurement.com/bidders_DBE.aspx

After the 1st paragraph, insert the following.

DBE Plan

The City of Tucson is required to review and establish a new Disadvantaged Business Enterprise (DBE) Plan and Goal on a triennial basis. The City of Tucson, Business Services Department, Business Enterprise and Compliance Program has completed the draft FTA Program Plan and Goal Proposal for 2021-2023, and it is available at the following link for stakeholder review and input.

Download DBE FTA Goals FY21 – FY23 (PDF)

The City of Tucson also invites interested stakeholders to attend one of the following virtual public meetings scheduled on August 10th from 9 am – 11 am or August 12th from 2 pm – 4 pm. The link to each virtual meeting is on page 1 of the downloadable pdf document.

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Due to the pandemic, the City of Tucson is unable to offer this document for review at City of Tucson offices at this time.

APPENDIX C

Virtual Public Meetings:

Monday, August 10, 2020, 9 am - 11 am

Wednesday, August 12, 2020, 2 pm – 4 pm

Sample Email Blurb:

Good Morning (name of recipient), the City of Tucson is required to review and establish a new Disadvantaged Business Enterprise (DBE) Plan and Goal on a triennial basis for the Federal Transit Administration (FTA) federal fiscal years 2021-2023. We have completed our draft plan which is ready for public inspection and comment.

I would like to ask if you would send it out to your members for review and input. We have two virtual public meetings scheduled to discuss the draft plan and goal and for stakeholder questions and input.

Below is the email information that I would like to request for you to send to your members with the attachment.

Please let me know if you have any questions.

Thank You,

City of Tucson, Business Services Department Website Language

The City of Tucson is required to review and establish a new Disadvantaged Business Enterprise (DBE) Plan and Goal on a triennial basis. The City of Tucson, Business Services Department, Business Enterprise and Compliance Program has completed the draft FTA Program Plan and Goal Proposal for 2021-2023 (attached), and would like to invite your comments.

The City of Tucson also invites interested stakeholders to attend one of the following virtual public meetings scheduled on August 10th from 9 am – 11 am or August 12th from 2 pm – 4 pm. The link to each virtual meeting is on page 1 of the attached document.

Submit comments by September 17th to Lloyd B. Windle II via email at Lloyd.Windle@tucsonaz.gov. The subject line of the email should read - City of Tucson Draft FTA DBE Goal & Plan 2021-2023.

Emails were sent to the following:

Arizona Construction Trades

Leah Swisher, Executive Director Leah@actaz.net
(520) 624-3002

Arizona Transportation Builders Association

Michele Bettini, Executive Director
michele@movingoureconomy.org
(520) 623-0444

Arizona Small Business Association

Jess Roman, Chief Executive Officer jroman@asba.com
Debbie Hann, Chief Operating Officer dhann@asba.com
(520) 327-0222

AZSBDC – Pima Community College

Araceli Martinez
Amartinez276@pima.edu
(520) 206-4580

Tucson Hispanic Chamber of Commerce

Isabel Georgelos, Interim President/CEO
isabel@tucsonhispanicchamber.org
(520) 620-0005

National Association of Women Business Owners

Lea Marquez Peterson, President Lea@MarquezPeterson.com (520) 331-3763
Lori Lemmon llemmon@nawbo.org

YWCA, Women's Business Center

Francisca Villegas-Braker, Director FVillegas@ywcaticucson.org Ext 7111
Alexa Rodriguez, Executive Assistant ARodriguez@ywcaticucson.org Ext 7117
(520) 884-7810

Minority and Small Business Alliance of Southern Arizona & Southern AZ Minority Enterprise Development – MED Week

Joanne Arvizu, Chair Raytheon jnarvizu@raytheon.com (520) 202-4922
Nick Dugan, University of Arizona cfdugan@email.arizona.edu (520) 621-2888

Arizona Builders Alliance

Tim Bee, Director of Southern Arizona tbee@azbuilders.org (520) 488.8734

FY 2021- FY 2023 CITY OF TUCSON FTA DBE PROGRAM PLAN

8/3/2020

Mail - Lloyd Windle - Outlook

City of Tucson Draft FTA DBE Goal & Plan 2021-2023

Lloyd Windle <Lloyd.Windle@tucsonaz.gov>

Mon 8/3/2020 12:17 PM

To: tbee@azbuilders.org <tbee@azbuilders.org>

1 attachments (618 KB)

DBE FTA Plan FY21- FY23 Draft Public Comment Final.pdf

Good Afternoon Mr. Bee,

The City of Tucson is required to review and establish a new Disadvantaged Business Enterprise (DBE) Plan and Goal on a triennial basis for the Federal Transit Administration (FTA) federal fiscal years 2021-2023. We have completed our draft plan which is ready for public inspection and comment.

I would like to ask if you would send it out to your members (Arizona Builders Alliance) for review and input. We have two virtual public meetings scheduled to discuss the draft plan and goal and for stakeholder questions and input.

Below is the email information that I would like to request for you to send to your members with the attachment.

Please let me know if you have any questions.

Thank You,

Lloyd B. Windle II, CPPO, CPPB, C.P.M.
Past President - Copper Chapter of NIGP 2018 - 2019
City of Tucson
Contract Administration Manager

Sample email blurb to send to your members.

The City of Tucson is required to review and establish a new Disadvantaged Business Enterprise (DBE) Plan and Goal on a triennial basis. The City of Tucson, Business Services Department, Business Enterprise and Compliance Program has completed the draft FTA Program Plan and Goal Proposal for 2021-2023 (attached), and would like to invite your comments.

The City of Tucson also invites interested stakeholders to attend one of the following virtual public meetings scheduled on August 10th from 9 am – 11 am or August 12th from 2 pm – 4 pm. The link to each virtual meeting is on page 1 of the attached document.

Submit comments by September 17th to Lloyd B. Windle II via email at Lloyd.Windle@tucsonaz.gov. The subject line of the email should read - City of Tucson Draft FTA DBE Goal & Plan 2021-2023

FY 2021- FY 2023 CITY OF TUCSON FTA DBE PROGRAM PLAN

City of Tucson Draft FTA DBE Goal & Plan 2021-2023

Lloyd Windle <Lloyd.Windle@tucsonaz.gov>

Mon 8/3/2020 11:56 AM

To: Leah@actaz.net <Leah@actaz.net>

1 attachments (618 KB)

DBE FTA Plan FY21- FY23 Draft Public Comment Final.pdf,

Good Morning Ms. Leah Swisher,

The City of Tucson is required to review and establish a new Disadvantaged Business Enterprise (DBE) Plan and Goal on a triennial basis for the Federal Transit Administration (FTA) federal fiscal years 2021-2023. We have completed our draft plan which is ready for public inspection and comment.

I would like to ask if you would send it out to your members for review and input. We have two virtual public meetings scheduled to discuss the draft plan and goal and for stakeholder questions and input.

Below is the email information that I would like to request for you to send to your members with the attachment.

Please let me know if you have any questions.

Thank You,

Lloyd B. Windle II, CPPO, CPPB, C.P.M.
Past President - Copper Chapter of NIGP 2018 - 2019
City of Tucson
Contract Administration Manager

Sample email blurb to send to your members.

The City of Tucson is required to review and establish a new Disadvantaged Business Enterprise (DBE) Plan and Goal on a triennial basis. The City of Tucson, Business Services Department, Business Enterprise and Compliance Program has completed the draft FTA Program Plan and Goal Proposal for 2021-2023 (attached), and would like to invite your comments.

The City of Tucson also invites interested stakeholders to attend one of the following virtual public meetings scheduled on August 10th from 9 am – 11 am or August 12th from 2 pm – 4 pm. The link to each virtual meeting is on page 1 of the attached document.

Submit comments by September 17th to Lloyd B. Windle II via email at Lloyd.Windle@tucsonaz.gov. The subject line of the email should read - City of Tucson Draft FTA DBE Goal & Plan 2021-2023

FY 2021- FY 2023 CITY OF TUCSON FTA DBE PROGRAM PLAN

City of Tucson Draft FTA DBE Goal & Plan 2021-2023

Lloyd Windle <Lloyd.Windle@tucsonaz.gov>

Mon 8/3/2020 11:59 AM

To: michele@movingoureconomy.org <michele@movingoureconomy.org>

1 attachments (618 KB)

DBE FTA Plan FY21- FY23 Draft Public Comment Final.pdf,

Good Morning Ms. Michele Bettini,

The City of Tucson is required to review and establish a new Disadvantaged Business Enterprise (DBE) Plan and Goal on a triennial basis for the Federal Transit Administration (FTA) federal fiscal years 2021-2023. We have completed our draft plan which is ready for public inspection and comment.

I would like to ask if you would send it out to your members for review and input. We have two virtual public meetings scheduled to discuss the draft plan and goal and for stakeholder questions and input.

Below is the email information that I would like to request for you to send to your members with the attachment.

Please let me know if you have any questions.

Thank You,

Lloyd B. Windle II, CPPO, CPPB, C.P.M.
Past President - Copper Chapter of NIGP 2018 - 2019
City of Tucson
Contract Administration Manager

Sample email blurb to send to your members.

The City of Tucson is required to review and establish a new Disadvantaged Business Enterprise (DBE) Plan and Goal on a triennial basis. The City of Tucson, Business Services Department, Business Enterprise and Compliance Program has completed the draft FTA Program Plan and Goal Proposal for 2021-2023 (attached), and would like to invite your comments.

The City of Tucson also invites interested stakeholders to attend one of the following virtual public meetings scheduled on August 10th from 9 am – 11 am or August 12th from 2 pm – 4 pm. The link to each virtual meeting is on page 1 of the attached document.

Submit comments by September 17th to Lloyd B. Windle II via email at Lloyd.Windle@tucsonaz.gov. The subject line of the email should read - City of Tucson Draft FTA DBE Goal & Plan 2021-2023

FY 2021- FY 2023 CITY OF TUCSON FTA DBE PROGRAM PLAN

Fw: City of Tucson Draft FTA DBE Goal & Plan 2021-2023

Lloyd Windle <Lloyd.Windle@tucsonaz.gov>

Mon 8/3/2020 12:00 PM

To: dhann@asba.com <dhann@asba.com>

1 attachments (618 KB)

DBE FTA Plan FY21- FY23 Draft Public Comment Final.pdf

Good Morning Ms. Debbie Hann,

The City of Tucson is required to review and establish a new Disadvantaged Business Enterprise (DBE) Plan and Goal on a triennial basis for the Federal Transit Administration (FTA) federal fiscal years 2021-2023. We have completed our draft plan which is ready for public inspection and comment.

I would like to ask if you would send it out to your members for review and input. We have two virtual public meetings scheduled to discuss the draft plan and goal and for stakeholder questions and input.

Below is the email information that I would like to request for you to send to your members with the attachment.

Please let me know if you have any questions.

Thank You,

Lloyd B. Windle II, CPPO, CPPB, C.P.M.

Past President - Copper Chapter of NIGP 2018 - 2019

City of Tucson

Contract Administration Manager

Sample email blurb to send to your members.

The City of Tucson is required to review and establish a new Disadvantaged Business Enterprise (DBE) Plan and Goal on a triennial basis. The City of Tucson, Business Services Department, Business Enterprise and Compliance Program has completed the draft FTA Program Plan and Goal Proposal for 2021-2023 (attached), and would like to invite your comments.

The City of Tucson also invites interested stakeholders to attend one of the following virtual public meetings scheduled on August 10th from 9 am – 11 am or August 12th from 2 pm – 4 pm. The link to each virtual meeting is on page 1 of the attached document.

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FY 2021- FY 2023 CITY OF TUCSON FTA DBE PROGRAM PLAN

City of Tucson Draft FTA DBE Goal & Plan 2021-2023

Lloyd Windle <Lloyd.Windle@tucsonaz.gov>

Mon 8/3/2020 12:05 PM

To: Amartinez276@pima.edu <Amartinez276@pima.edu>

1 attachments (618 KB)

DBE FTA Plan FY21- FY23 Draft Public Comment Final.pdf

Good Morning Ms. Araceli Martinez,

I understand that the City of Tucson has partnered with AZSBDC on programs for disadvantaged businesses. As such, I am hoping that you can assist in the distribution of this information to the applicable business community through whatever means you have at your disposal.

The City of Tucson is required to review and establish a new Disadvantaged Business Enterprise (DBE) Plan and Goal on a triennial basis for the Federal Transit Administration (FTA) federal fiscal years 2021-2023. We have completed our draft plan which is ready for public inspection and comment.

I would like to ask if you would send it out to your members for review and input. We have two virtual public meetings scheduled to discuss the draft plan and goal and for stakeholder questions and input.

Below is the email information that I would like to request for you to send to your members with the attachment.

Please let me know if you have any questions.

Thank You,

Lloyd B. Windle II, CPPO, CPPB, C.P.M.
Past President - Copper Chapter of NIGP 2018 - 2019
City of Tucson
Contract Administration Manager

Sample email blurb to send to your members.

The City of Tucson is required to review and establish a new Disadvantaged Business Enterprise (DBE) Plan and Goal on a triennial basis. The City of Tucson, Business Services Department, Business Enterprise and Compliance Program has completed the draft FTA Program Plan and Goal Proposal for 2021-2023 (attached), and would like to invite your comments.

The City of Tucson also invites interested stakeholders to attend one of the following virtual public meetings scheduled on August 10th from 9 am – 11 am or August 12th from 2 pm – 4 pm. The link to each virtual meeting is on page 1 of the attached document.

Submit comments by September 17th to Lloyd B. Windle II via email at Lloyd.Windle@tucsonaz.gov. The subject line of the email should read - City of Tucson Draft FTA DBE Goal & Plan 2021-2023

FY 2021- FY 2023 CITY OF TUCSON FTA DBE PROGRAM PLAN

City of Tucson Draft FTA DBE Goal & Plan 2021-2023

Lloyd Windle <Lloyd.Windle@tucsonaz.gov>

Mon 8/3/2020 12:14 PM

To: jnarvizu@raytheon.com <jnarvizu@raytheon.com>; cfugan@email.arizona.edu <cfugan@email.arizona.edu>

1 attachments (618 KB)

DBE FTA Plan FY21- FY23 Draft Public Comment Final.pdf;

Good Afternoon Ms. Arvizu and Mr. Dugan,

The City of Tucson is required to review and establish a new Disadvantaged Business Enterprise (DBE) Plan and Goal on a triennial basis for the Federal Transit Administration (FTA) federal fiscal years 2021-2023. We have completed our draft plan which is ready for public inspection and comment.

I would like to ask if you would send it out to your members (Minority and Small Business Alliance of Southern Arizona and Southern AZ Minority Enterprise Development) for review and input. We have two virtual public meetings scheduled to discuss the draft plan and goal and for stakeholder questions and input.

Below is the email information that I would like to request for you to send to your members with the attachment.

Please let me know if you have any questions.

Thank You,

Lloyd B. Windle II, CPPO, CPPB, C.P.M.
Past President - Copper Chapter of NIGP 2018 - 2019
City of Tucson
Contract Administration Manager

Sample email blurb to send to your members.

The City of Tucson is required to review and establish a new Disadvantaged Business Enterprise (DBE) Plan and Goal on a triennial basis. The City of Tucson, Business Services Department, Business Enterprise and Compliance Program has completed the draft FTA Program Plan and Goal Proposal for 2021-2023 (attached), and would like to invite your comments.

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FY 2021- FY 2023 CITY OF TUCSON FTA DBE PROGRAM PLAN

City of Tucson Draft FTA DBE Goal & Plan 2021-2023

Lloyd Windle <Lloyd.Windle@tucsonaz.gov>

Mon 8/3/2020 2:12 PM

To: Lea@MarquezPeterson.com <Lea@MarquezPeterson.com>; Llemmon@nawbo.org <Llemmon@nawbo.org>

1 attachments (618 KB)

DBE FTA Plan FY21- FY23 Draft Public Comment Final.pdf

My apologies for the mistake in your name on the earlier email Ms. Marquez Peterson.

Good Morning Ms. Marquez Peterson and Ms. Lemmon,

The City of Tucson is required to review and establish a new Disadvantaged Business Enterprise (DBE) Plan and Goal on a triennial basis for the Federal Transit Administration (FTA) federal fiscal years 2021-2023. We have completed our draft plan which is ready for public inspection and comment.

I would like to ask if you would send it out to your members (NAWBO) for review and input. We have two virtual public meetings scheduled to discuss the draft plan and goal and for stakeholder questions and input.

Below is the email information that I would like to request for you to send to your members with the attachment.

Please let me know if you have any questions.

Thank You,

Lloyd B. Windle II, CPPO, CPPB, C.P.M.
Past President - Copper Chapter of NIGP 2018 - 2019
City of Tucson
Contract Administration Manager

Sample email blurb to send to your members.

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FY 2021- FY 2023 CITY OF TUCSON FTA DBE PROGRAM PLAN

Fw: City of Tucson Draft FTA DBE Goal & Plan 2021-2023

Lloyd Windle <Lloyd.Windle@tucsonaz.gov>

Mon 8/3/2020 12:01 PM

To: isabel@tucsonhispanicchamber.org <isabel@tucsonhispanicchamber.org>

1 attachments (618 KB)

DBE FTA Plan FY21- FY23 Draft Public Comment Final.pdf

Good Morning Ms. Isabel Georgelos,

The City of Tucson is required to review and establish a new Disadvantaged Business Enterprise (DBE) Plan and Goal on a triennial basis for the Federal Transit Administration (FTA) federal fiscal years 2021-2023. We have completed our draft plan which is ready for public inspection and comment.

I would like to ask if you would send it out to your members for review and input. We have two virtual public meetings scheduled to discuss the draft plan and goal and for stakeholder questions and input.

Below is the email information that I would like to request for you to send to your members with the attachment.

Please let me know if you have any questions.

Thank You,

Lloyd B. Windle II, CPPO, CPPB, C.P.M.
Past President - Copper Chapter of NIGP 2018 - 2019
City of Tucson
Contract Administration Manager

Sample email blurb to send to your members.

The City of Tucson is required to review and establish a new Disadvantaged Business Enterprise (DBE) Plan and Goal on a triennial basis. The City of Tucson, Business Services Department, Business Enterprise and Compliance Program has completed the draft FTA Program Plan and Goal Proposal for 2021-2023 (attached), and would like to invite your comments.

The City of Tucson also invites interested stakeholders to attend one of the following virtual public meetings scheduled on August 10th from 9 am – 11 am or August 12th from 2 pm – 4 pm. The link to each virtual meeting is on page 1 of the attached document.

Submit comments by September 17th to Lloyd B. Windle II via email at Lloyd.Windle@tucsonaz.gov. The subject line of the email should read - City of Tucson Draft FTA DBE Goal & Plan 2021-2023

FY 2021- FY 2023 CITY OF TUCSON FTA DBE PROGRAM PLAN

City of Tucson Draft FTA DBE Goal & Plan 2021-2023

Lloyd Windle <Lloyd.Windle@tucsonaz.gov>

Mon 8/3/2020 12:09 PM

To: FVillegas@ywcatuson.org <FVillegas@ywcatuson.org>; ARodriguez@ywcatuson.org <ARodriguez@ywcatuson.org>

1 attachments (618 KB)

DBE FTA Plan FY21- FY23 Draft Public Comment Final.pdf

Good Morning Ms. Villegas-Braker and Ms. Rodriguez,

The City of Tucson is required to review and establish a new Disadvantaged Business Enterprise (DBE) Plan and Goal on a triennial basis for the Federal Transit Administration (FTA) federal fiscal years 2021-2023. We have completed our draft plan which is ready for public inspection and comment.

I would like to ask if you would send it out to your members for review and input. We have two virtual public meetings scheduled to discuss the draft plan and goal and for stakeholder questions and input.

Below is the email information that I would like to request for you to send to your members with the attachment.

Please let me know if you have any questions.

Thank You,

Lloyd B. Windle II, CPPO, CPPB, C.P.M.
Past President - Copper Chapter of NIGP 2018 - 2019
City of Tucson
Contract Administration Manager

Sample email blurb to send to your members.

The City of Tucson is required to review and establish a new Disadvantaged Business Enterprise (DBE) Plan and Goal on a triennial basis. The City of Tucson, Business Services Department, Business Enterprise and Compliance Program has completed the draft FTA Program Plan and Goal Proposal for 2021-2023 (attached), and would like to invite your comments.

The City of Tucson also invites interested stakeholders to attend one of the following virtual public meetings scheduled on August 10th from 9 am – 11 am or August 12th from 2 pm – 4 pm. The link to each virtual meeting is on page 1 of the attached document.

Submit comments by September 17th to Lloyd B. Windle II via email at Lloyd.Windle@tucsonaz.gov. The subject line of the email should read - City of Tucson Draft FTA DBE Goal & Plan 2021-2023

City of Tucson Draft FTA DBE Goal & Plan FFYs 2021-2023

Lloyd Windle <Lloyd.Windle@tucsonaz.gov>

Thu 8/13/2020 2:08 PM

To: Lloyd Windle <Lloyd.Windle@tucsonaz.gov>

1 attachments (618 KB)

DBE FTA Plan FY21- FY23 Draft Public Comment Final.pdf

Good Afternoon City of Tucson Certified DBEs!

As a current certified Disadvantaged Business Enterprise (DBE), the City of Tucson is notifying you of the proposed DBE Goal and Plan for FFYs 2021-2023.

The City of Tucson is required to review and establish a new DBE Plan and Goal on a triennial basis for the Federal Transit Administration (FTA) federal fiscal years 2021-2023. We have completed our draft plan which is ready for public inspection and comment.

Attached is the proposed goal and plan for your review. You may submit comments and questions to me through September 17th.

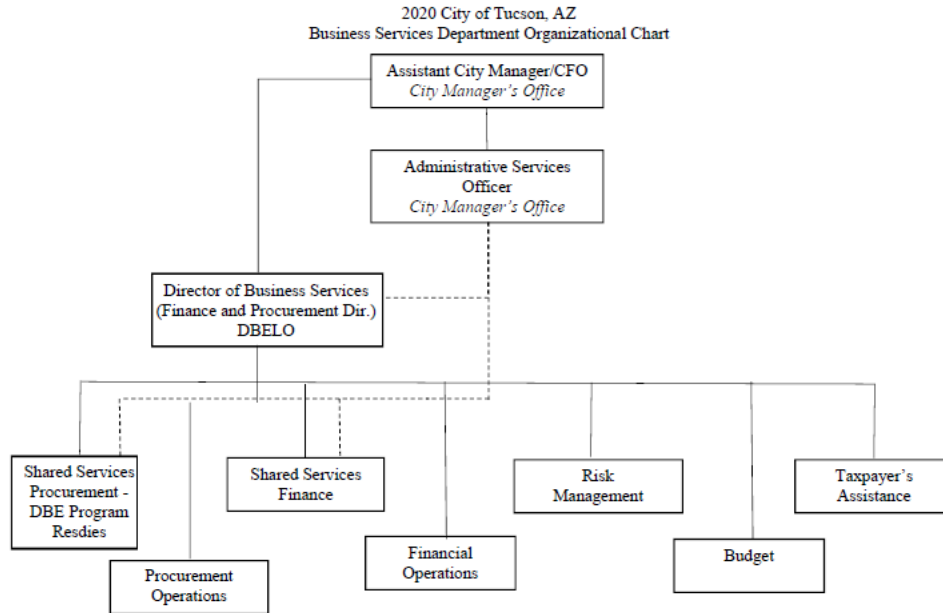
I am also available to host additional virtual meetings if there is sufficient interest from the business community. Let me know if that is of interest.

Thank You,

Lloyd B. Windle II, CPPO, CPPB, C.P.M.
Past President - Copper Chapter of NIGP 2018 - 2019
City of Tucson
Contract Administration Manager
Phone - (520) 837-4105

Generated from the E2Clinical System.

APPENDIX D



June 22, 2020

APPENDIX E



PROCUREMENT OPERATIONAL POLICY

Disadvantaged Business Enterprise Prompt Payment Procedures	NUMBER	PAGE
	5-1	1 of 4
	EFFECTIVE DATE August 17, 2017	

I. PURPOSE

This policy establishes procedures for the City of Tucson's Disadvantaged Business Enterprise (DBE) to ensure the prime contractor and each subcontractor of any tier must pay all subcontractors for satisfactory performance of their contracts promptly from the receipt of each progress payment made by the City of Tucson.

II. POLICY

The City of Tucson requires that the prime contractor and each subcontractor of any tier must pay all subcontractors for satisfactory performance of their contracts within seven (7) days from the receipt of each progress payment made by the City of Tucson.

Prime contractors will report the actual value of any contract to DBE firms for work committed to them at the time of the contract award. Contractors must submit the enclosed Prime Contractor Report of Subcontractor Utilization for Final Payment Record to Department of Procurement, Business Enterprise & Compliance Program with their request for final payment. The Final Payment Record will record total dollar amounts paid to both DBE and non-DBE suppliers and subcontractors.

The Procurement Department's Business Enterprise and Compliance Program (BECP) will actively monitor progress payments from the City of Tucson to the prime contractor and proactively contact subcontractors to ensure compliance with the prompt payment requirements are met.

1. The Tucson Department of Transportation (TDOT) will notify BECP when a payment on a federally assisted project is submitted to the City's Finance Department for payment issuance. TDOT will provide BECP with the following project information: Contract number, Title, payment amount and subcontractor name(s) and subcontractor amount owed.
2. BECP will monitor the City's financial system to determine the actual date a payment is made to the Prime.
3. BECP will contact the subcontractor(s) via email or telephone to verify payment receipt.
4. The prime contractor shall report on a monthly basis indicating the amounts paid to all subcontractors, of all tiers, working on the project.
5. If payment was not received timely or if there is a discrepancy between the invoice amount from the subcontractor to the Prime contractor and the actual amount paid to the subcontract, BECP will contact the Prime contractor regarding the discrepancy.
6. The Prime contractor must provide a verifiable explanation of the discrepancy.

VALUES AND GUIDING PRINCIPLES OF PUBLIC PROCUREMENT:

Accountability * Ethics * Impartiality * Professionalism * Transparency * Service



PROCUREMENT OPERATIONAL POLICY

Disadvantaged Business Enterprise Prompt Payment Procedures	NUMBER	PAGE
	5-1	2 of 4
	EFFECTIVE DATE	
	August 17, 2017	

7. BECP will review the information to determine if the Prime Contractor acted in good faith regarding the prompt payment requirements. BECP reserves the right to request and receive documents from the Prime contractor and all subcontractors at any tier, in order to determine whether prompt payment requirements are met.

Failure to make prompt partial payment, or prompt final payment including any retention, will result in remedies the City of Tucson deems appropriate which may include but are not limited to:

- Request contractor right of assurance with payment resolution plan;
- Withhold full or partial monthly progress payment(s) until the issue is resolved and full payment has been made to all subcontractors;
- Assess prompt payment liquidated damages, in addition to liquidated damages provided elsewhere in the contract, in an amount identified in the contract;
- Terminate the contract for default;
- Disqualify the Prime contractor from bidding on federal DOT- assisted projects, temporarily or permanently, depending upon the severity and number of violations.

Procurement will also monitor project completion of subcontractors work and ensure prompt retention payments. The prime contractor agrees further to return retainage payments to each subcontractor within 30 days after the subcontractors work is satisfactorily completed. For the purposes of this section, a subcontractor's work is satisfactorily completed when all the tasks called for in the subcontract have been accomplished and accepted by the prime contractor as required by the City of Tucson. Payment of retention by a prime contractor to subcontractors following completion and acceptance of work is NOT dependent on the billing of, or payment from, the City of Tucson for the retention release. Required timelines are indicated below:

- A. When a subcontractor has completed all the tasks called for in the subcontract, the subcontractor will submit a written request to the prime contractor for an acceptance inspection and release of all retention.
- B. Within 10 days of receipt of an inspection request by a subcontractor, the contractor shall schedule an inspection / walk through for acceptance of the work.
- C. Within 30 days of the acceptance of a subcontractors work, the prime contractor shall pay all retention owed to a subcontractor.

Once a subcontractor's work has been accepted, a prime contractor may bill the City of Tucson for release of retention equal to the amount of retention that is/has been released to a subcontractor.

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PROCUREMENT OPERATIONAL POLICY

Disadvantaged Business Enterprise Prompt Payment Procedures	NUMBER	PAGE
	5-1	3 of 4
	EFFECTIVE DATE August 17, 2017	

The City will keep a record of committed and actual payments to DBE firms. Upon completion of the contract, the prime contractor will be required to submit two forms to Procurement: the Supplier and Subcontractor Utilization Final Payment Record and the Certification of Payments to DBE Firms.

The City of Tucson will ensure the inclusion of the following clauses in all federal DOT-assisted prime contracts:

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than seven (7) days from the receipt of each payment the prime contract receives from the City of Tucson. The prime contractor further agrees to return retainage payments to each subcontractor within 30 days after the subcontractors work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of the City of Tucson. This clause applies to both DBE and non-DBE subcontracts.

The City will keep a record of committed and actual payments to DBE firms. Upon completion of the contract, the prime contractor will be required to submit two forms to BECP: the Supplier and Subcontractor Utilization Final Payment Record and the Certification of Payments to DBE Firms.

The City will review the Certification of Payments to DBE Firms from the prime contractor to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts stated in the schedule of DBE planned participation or commitment.

Prime contractors must provide notice to subcontractors that complaints of violations of the prompt payment provision may be submitted in writing to the City of Tucson, Department of Procurement, Director, 255 W. Alameda, 6th Floor, Tucson, Arizona 85701. The complaint shall set forth the facts and identify the prime contractor and the project. Subcontractors will be assisted by the Department of Procurement with the complaint process.

Prime contractors must maintain records and documents of payments to DBEs for three years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of the City of Tucson or federal government. This reporting requirement also extends to any certified DBE subcontractor. As part of the contract documents requirement, the contractor will submit company procedures and policy for prompt payment of work and prompt release of retention to subcontractors.

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PROCUREMENT OPERATIONAL POLICY

Disadvantaged Business Enterprise Prompt Payment Procedures	NUMBER	PAGE
	5-1	4 of 4
	EFFECTIVE DATE August 17, 2017	

III. REFERENCES

Electronic Code of Federal Regulations, 49 CFR Part 26 Section 26.29

https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=c557e0c662d8af4ad52a31b56b5bb2f2&n=49y1.0.1.1.20&r=PART&ty=HTML#se49.1.26_11

Arizona Revised Statutes Title 32 Section 1129

<http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/32/01129-01.htm>

Tucson Code Section 11-38

<http://www.actaz.net/email/pdf/CFO%20letter.pdf>

Authorized:

A handwritten signature in cursive script, appearing to read "Marcheta Gillespie".

Marcheta Gillespie, C.P.M., CPPO, CPPB, CPM
Director, Department of Procurement

VALUES AND GUIDING PRINCIPLES OF PUBLIC PROCUREMENT:

Accountability * Ethics * Impartiality * Professionalism * Transparency * Service

APPENDIX F

The FTA DBE Triennial Goal FFYs 2021-2023 has been uploaded as a separate document.

APPENDIX G



PROCUREMENT OPERATIONAL POLICY

Disadvantaged Business Enterprise (DBE) Modifications of a DBE	NUMBER	PAGE
	5-3	1 of 4
	EFFECTIVE DATE August 17, 2017	

I. PURPOSE

This policy establishes procedures for City staff and the contracting community on the requirements when a prime contractor wants to modify (replace, substitute or reduce) the designated work of a DBE on a federally DOT-assisted project.

II. POLICY

Pursuant to 49 CFR Part 26 and 49 CFR Part 26, Appendix A, when a DBE goal has been set on a federal DOT-assisted contract, it is the contractors obligation to meet the goal. The distinct contract items of work that have been awarded to a certified DBE firm shall be performed by the designated DBE. The DBE must perform a commercially useful function, that is, the DBE must manage, perform, and supervise a distinct element of work.

The contractor shall make all reasonable efforts to avoid modifying the work of a DBE listed on the DBE Intended Participation Affidavit Summary. At a minimum, the contractor shall negotiate in good faith, give timely notices and/or extend deadlines to the extent that it will not jeopardize the contract or the project schedule with the City.

If a DBE must be replaced, substituted or work reduced for cause, the contractor shall not take any action, in whole or in part, without the prior written approval of the City of Tucson's Department of Procurement Business Enterprise and Compliance Program (BECP).

Written consent for modifying the contract work for any DBE listed on the DBE Intended Participation Affidavit Summary will be granted only where the contractor can demonstrate good cause showing that the DBE is unable, unwilling, or ineligible to perform. Such written consent to modify the contracted items of any DBE shall concurrently constitute written consent to substitute or replace the terminated DBE. Termination or substitution of a DBE listed on the DBE Intended Participation Affidavit Summary will not be allowed based solely on a contractor's ability to negotiate a more advantageous contract with another subcontractor or the contractor's ability or desire to perform the work of the contract with its own organization. Prior to making a determination for approval regarding the contractor's termination and substitution request, the City will consider both the contractor's request and the DBE firm's response.

In the event that a DBE is unable or unwilling to fulfill its agreement with the contractor, the contractor shall immediately notify Procurement Department's Business Enterprise & Compliance Program (BECP), the Contract Officer and the Project Manager. The contractor must provide all pertinent information regarding the DBE modification request. The DBE firm can only be terminated for good cause. The contractor shall immediately take reasonable good faith efforts to obtain another certified DBE firm to perform an equal or greater dollar value of the work. Contract items eliminated from the project, with the approval of the Project Manager, may not reduce the contractor's obligation for DBE participation.

VALUES AND GUIDING PRINCIPLES OF PUBLIC PROCUREMENT:

Accountability * Ethics * Impartiality * Professionalism * Transparency * Service



PROCUREMENT OPERATIONAL POLICY

Disadvantaged Business Enterprise (DBE) Modifications of a DBE	NUMBER	PAGE
	5-3	2 of 4
	EFFECTIVE DATE August 17, 2017	

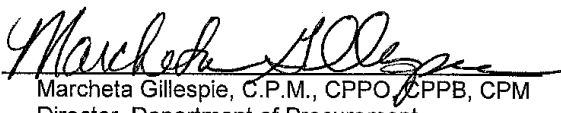
In order to request a DBE subcontractor modification, the Prime Contract must complete and submit the City of Tucson's Subcontractor Modification Form (attached) to the Project Manager. The Project Manager will forward the Subcontractor Modification Form to BECP.

Upon receipt of the completed Subcontractor Modification Form, BECP will review and verify the information received. BECP will either approve or deny the request in accordance with 49 CFR Part 26 and 49 CFR Part 26, Appendix A 26

III. REFERENCES

Electronic Code of Federal Regulations, 49 CFR Part 26 Subpart F, Compliance and Enforcement
https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=c557e0c662d8af4ad52a31b56b5bb2f2&n=49y1.0.1.1.20&r=PART&ty=H TML#se49.1.26_129

49 CFR Part 26, Appendix A
https://www.ecfr.gov/cgi-bin/text-idx?SID=14fd8dd9cdc4c1cf63750ea79790e31b&mc=true&node=ap49.1.26_1109.a&rgn=div9

Authorized: 
Marcheta Gillespie, C.P.M., CPPO, CPPB, CPM
Director, Department of Procurement

VALUES AND GUIDING PRINCIPLES OF PUBLIC PROCUREMENT:
Accountability * Ethics * Impartiality * Professionalism * Transparency * Service

FY 2021- FY 2023 CITY OF TUCSON FTA DBE PROGRAM PLAN



Business Enterprise and Compliance Program (BECP) Subcontractor Modification Form

The modification of any subcontractor after contract award requires prior approval by the
Business Services Director

TYPE OF REQUEST _____ ADDITION _____ REMOVAL _____ REPLACEMENT
_____ INCREASE _____ REDUCTION

ARE ANY SBE / DBE FIRMS AFFECTED? ____ YES ____ NO If yes, please explain: _____

Contract # _____ Contract Name: _____

Prime Contractor: _____ Contact Name _____

Email: _____ Phone: _____

	CURRENT SUBCONTRACTOR	PROPOSED SUBCONTRACTOR
SUBCONTRACTOR NAME		
SUBCONTRACT VALUE		
CONTACT NAME		
EMAIL		
PHONE		
ADDRESS		
DUNS		
SBE / DBE ?	SBE / DBE (circle one, if applicable)	SBE / DBE (circle one, if applicable)
SIGNATURE	<p>By signing below, the Current Subcontractor indicates their understanding of, and agreement with, this modification and the explanation provided by the Prime Contractor in the "Reason for Request" field on this form:</p> <p>_____ Signature of Current Subcontractor (required)</p>	

FY 2021- FY 2023 CITY OF TUCSON FTA DBE PROGRAM PLAN

REASON FOR REQUEST: (Note: Prime Contractor must explain why the subcontractor that was identified in the Prime Contractor's bid is now being modified. Reason must demonstrate that this modification does not violate City of Tucson Ordinance 9158 as well as Section 28-48(2), Section 28-150(6)(5), Section 28-151.4(1), and Section 28-151.4(2) of the Tucson Procurement Code. The City seeks to ensure that this request is not being made as a result of "**bid shopping**" on the part of the Prime Contractor.)

(attach supporting documentation as necessary)

Signature of Prime Contractor: _____

Date: _____

*****COT Use Only*****

APPROVAL

BUSINESS ENTERPRISE _____

DATE _____

BUSINESS SERVICES DIRECTOR _____

DATE _____

APPENDIX H

Re: City of Tucson Draft FTA DBE Goal & Plan 2021-2023

Lloyd Windle <Lloyd.Windle@tucsonaz.gov>

Thu 8/13/2020 8:50 AM

To: Michele Bettini <michele@movingoureconomy.org>

Good Morning Michele,

Thank you for the comments from the membership. The specific scope of work requirements for the trades are developed once the City is ready to seek bids for the project. The City does not offer any requirements for number of employees as we leave that up to the contractor when they develop their bid.

My suggestion is that interested contractors regularly visit the bid opportunities website where detailed scopes for projects are posted. https://tucsonprocurement.com/bidders_bidopportunities.aspx?Orderby=ContractNum I also suggest, that interested contractors attend the pre-bid meetings which are currently virtual. The meeting notice and link to attend is in the solicitation document.

Also, each interested contractor should become a registered vendor in the City's online procurement system. Visit <https://www.tucsonaz.gov/bso/view/login/login.xhtml> to register. Be sure to enter a valid email address, select email as the preferred delivery method and select all the class codes that describe the services/products offered. When a bid opportunity matches the class codes, the system send a notification about the opportunity.

City of Tucson BuySpeed Online

Effective April 20, 2020, the City of Tucson's Business Services Department will only accept responses to formal solicitations electronically through its online bidding system, and will no longer accept paper copies of responses.

www.tucsonaz.gov

Let me know if there is anything else that I can be of assistance with.

Thank You,

Lloyd B. Windle II, CPPO, CPPB, C.P.M.
Past President - Copper Chapter of NIGP 2018 - 2019
City of Tucson
Contract Administration Manager
Phone - (520) 837-4105

From: Michele Bettini <michele@movingoureconomy.org>

Sent: Monday, August 3, 2020 2:48 PM

To: Lloyd Windle <Lloyd.Windle@tucsonaz.gov>

Subject: [EXTERNAL]RE: City of Tucson Draft FTA DBE Goal & Plan 2021-2023

FY 2021- FY 2023 CITY OF TUCSON FTA DBE PROGRAM PLAN

Hi Lloyd,

Below are a few commits that I am receiving from the contractors.

Some of these DBE's can only handle small projects. Not sure if the City could include other info, such as # of employees or some other more descriptive criteria?

Example: Some people that do "concrete work" might be able to pour small slabs or other concrete work, but might really not be able to do concrete for projects that we need.

Thank you,

Michele Bettini
Executive Director
Arizona Transportation Builders Association
1842 W. Grant Rd. Suite 103 | Tucson, AZ 85745
(520) 623-0444 | michele@movingoureconomy.org
www.movingoureconomy.org

From: Lloyd Windle <Lloyd.Windle@tucsonaz.gov>
Sent: Monday, August 3, 2020 2:24 PM
To: Michele Bettini <michele@movingoureconomy.org>
Subject: Re: City of Tucson Draft FTA DBE Goal & Plan 2021-2023

Hello Michele,

Attached is the most recent DBE Directory for the Tucson area. I would suggest that you send the email to all members of ATBA in case there are members who are currently not a certified DBE, who might want to apply for DBE or SBE certification.

Thank You,

Lloyd B. Windle II, CPPO, CPPB, C.P.M.
Past President - Copper Chapter of NIGP 2018 - 2019
City of Tucson
Contract Administration Manager
Phone - (520) 837-4105

From: Michele Bettini <michele@movingoureconomy.org>
Sent: Monday, August 3, 2020 2:15 PM
To: Lloyd Windle <Lloyd.Windle@tucsonaz.gov>
Subject: [EXTERNAL]RE: City of Tucson Draft FTA DBE Goal & Plan 2021-2023

Hi Lloyd,

Could you please send me the current list of DBE contractors.

Thank you,

FY 2021- FY 2023 CITY OF TUCSON FTA DBE PROGRAM PLAN

Michele Bettini
Executive Director
Arizona Transportation Builders Association
1842 W. Grant Rd. Suite 103 | Tucson, AZ 85745
(520) 623-0444 | michele@movingoureconomy.org
www.movingoureconomy.org

From: Lloyd Windle <Lloyd.Windle@tucsonaz.gov>
Sent: Monday, August 3, 2020 11:59 AM
To: Michele Bettini <michele@movingoureconomy.org>
Subject: City of Tucson Draft FTA DBE Goal & Plan 2021-2023

Good Morning Ms. Michele Bettini,

The City of Tucson is required to review and establish a new Disadvantaged Business Enterprise (DBE) Plan and Goal on a triennial basis for the Federal Transit Administration (FTA) federal fiscal years 2021-2023. We have completed our draft plan which is ready for public inspection and comment.

I would like to ask if you would send it out to your members for review and input. We have two virtual public meetings scheduled to discuss the draft plan and goal and for stakeholder questions and input.

Below is the email information that I would like to request for you to send to your members with the attachment.

Please let me know if you have any questions.

Thank You,

Lloyd B. Windle II, CPPO, CPPB, C.P.M.
Past President - Copper Chapter of NIGP 2018 - 2019
City of Tucson
Contract Administration Manager

Sample email blurb to send to your members.

The City of Tucson is required to review and establish a new Disadvantaged Business Enterprise (DBE) Plan and Goal on a triennial basis. The City of Tucson, Business Services Department, Business Enterprise and Compliance Program has completed the draft FTA Program Plan and Goal Proposal for 2021-2023 (attached), and would like to invite your comments.

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Submit comments by September 17th to Lloyd B. Windle II via email at Lloyd.Windle@tucsonaz.gov. The subject line of the email should read - City of Tucson Draft FTA DBE Goal & Plan 2021-2023

APPENDIX I

9/28/2020

Mail - Lloyd Windle - Outlook

[EXTERNAL]RE: City of Tucson Draft FTA DBE Goal & Plan 2021-2023

Tim Bee <tbee@azbuilders.org>

Mon 8/3/2020 1:50 PM

To: Lloyd Windle <Lloyd.Windle@tucsonaz.gov>

Thanks Lloyd! Sorry I didn't return your call yet! Thanks for getting this to me. We'll get this out to our members!

Best,
Tim

From: Lloyd Windle [mailto:Lloyd.Windle@tucsonaz.gov]
Sent: Monday, August 3, 2020 12:17 PM
To: Tim Bee <tbee@azbuilders.org>
Subject: City of Tucson Draft FTA DBE Goal & Plan 2021-2023

Good Afternoon Mr. Bee,

The City of Tucson is required to review and establish a new Disadvantaged Business Enterprise (DBE) Plan and Goal on a triennial basis for the Federal Transit Administration (FTA) federal fiscal years 2021-2023. We have completed our draft plan which is ready for public inspection and comment.

I would like to ask if you would send it out to your members (Arizona Builders Alliance) for review and input. We have two virtual public meetings scheduled to discuss the draft plan and goal and for stakeholder questions and input.

Below is the email information that I would like to request for you to send to your members with the attachment.

Please let me know if you have any questions.

Thank You,

Lloyd B. Windle II, CPPO, CPPB, C.P.M.
Past President - Copper Chapter of NIGP 2018 - 2019
City of Tucson
Contract Administration Manager

Sample email blurb to send to your members.

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FY 2021- FY 2023 CITY OF TUCSON FTA DBE PROGRAM PLAN

[EXTERNAL]RE: City of Tucson Draft FTA DBE Goal & Plan 2021-2023

Michele Bettini <michele@movingoureconomy.org>

Mon 8/3/2020 2:15 PM

To: Lloyd Windle <Lloyd.Windle@tucsonaz.gov>

Hi Lloyd,

Could you please send me the current list of DBE contractors.

Thank you,

Michele Bettini
Executive Director
Arizona Transportation Builders Association
1842 W. Grant Rd. Suite 103 | Tucson, AZ 85745
(520) 623-0444 | michele@movingoureconomy.org
www.movingoureconomy.org

From: Lloyd Windle <Lloyd.Windle@tucsonaz.gov>
Sent: Monday, August 3, 2020 11:59 AM
To: Michele Bettini <michele@movingoureconomy.org>
Subject: City of Tucson Draft FTA DBE Goal & Plan 2021-2023

Good Morning Ms. Michele Bettini,

The City of Tucson is required to review and establish a new Disadvantaged Business Enterprise (DBE) Plan and Goal on a triennial basis for the Federal Transit Administration (FTA) federal fiscal years 2021-2023. We have completed our draft plan which is ready for public inspection and comment.

I would like to ask if you would send it out to your members for review and input. We have two virtual public meetings scheduled to discuss the draft plan and goal and for stakeholder questions and input.

Below is the email information that I would like to request for you to send to your members with the attachment.

Please let me know if you have any questions.

Thank You,

Lloyd B. Windle II, CPPO, CPPB, C.P.M.
Past President - Copper Chapter of NIGP 2018 - 2019
City of Tucson
Contract Administration Manager

Sample email blurb to send to your members.

FY 2021- FY 2023 CITY OF TUCSON FTA DBE PROGRAM PLAN

Re: [EXTERNAL]Fwd: City of Tucson Draft FTA DBE Goal & Plan 2021-2023

Martinez, Araceli <amartinez276@pima.edu>

Mon 8/10/2020 9:59 AM

To: Lloyd Windle <Lloyd.Windle@tucsonaz.gov>

Thanks Lloyd!

Back from vacation.

Cheli Martinez

On Tue, Aug 4, 2020 at 2:18 PM Lloyd Windle <Lloyd.Windle@tucsonaz.gov> wrote:

Don't hesitate to email me if you have any questions.

Thank You,

Lloyd B. Windle II, CPPO, CPPB, C.P.M.
Past President - Copper Chapter of NIGP 2018 - 2019
City of Tucson
Contract Administration Manager
Phone - (520) 837-4105

From: Martinez, Araceli <amartinez276@pima.edu>

Sent: Monday, August 3, 2020 3:53 PM

To: Lloyd Windle <Lloyd.Windle@tucsonaz.gov>; Ellen Kirton <ekirton@pima.edu>

Subject: [EXTERNAL]Fwd: City of Tucson Draft FTA DBE Goal & Plan 2021-2023

Hello Lloyd,

Sorry for my delay; I was out of the office for a couple of hours this afternoon.

I'm forwarding this to my supervisor for her information and review.

Thank you,

Cheli Martinez

----- Forwarded message -----

From: Lloyd Windle <Lloyd.Windle@tucsonaz.gov>

Date: Mon, Aug 3, 2020 at 12:05 PM

Subject: City of Tucson Draft FTA DBE Goal & Plan 2021-2023

To: Amartinez276@pima.edu <Amartinez276@pima.edu>

Good Morning Ms. Araceli Martinez,

I understand that the City of Tucson has partnered with AZSBDC on programs for disadvantaged businesses. As such, I am hoping that you can assist in the distribution of this information to the applicable business community through whatever means you have at your disposal.

FY 2021- FY 2023 CITY OF TUCSON FTA DBE PROGRAM PLAN

The City of Tucson is required to review and establish a new Disadvantaged Business Enterprise (DBE) Plan and Goal on a triennial basis for the Federal Transit Administration (FTA) federal fiscal years 2021-2023. We have completed our draft plan which is ready for public inspection and comment.

I would like to ask if you would send it out to your members for review and input. We have two virtual public meetings scheduled to discuss the draft plan and goal and for stakeholder questions and input.

Below is the email information that I would like to request for you to send to your members with the attachment.

Please let me know if you have any questions.

Thank You,

Lloyd B. Windle II, CPPO, CPPB, C.P.M.
Past President - Copper Chapter of NIGP 2018 - 2019
City of Tucson
Contract Administration Manager

Sample email blurb to send to your members.

The City of Tucson is required to review and establish a new Disadvantaged Business Enterprise (DBE) Plan and Goal on a triennial basis. The City of Tucson, Business Services Department, Business Enterprise and Compliance Program has completed the draft FTA Program Plan and Goal Proposal for 2021-2023 (attached), and would like to invite your comments.

The City of Tucson also invites interested stakeholders to attend one of the following virtual public meetings scheduled on August 10th from 9 am – 11 am or August 12th from 2 pm – 4 pm. The link to each virtual meeting is on page 1 of the attached document.

Submit comments by September 17th to Lloyd B. Windle II via email at Lloyd.Windle@tucsonaz.gov. The subject line of the email should read - City of Tucson Draft FTA DBE Goal & Plan 2021-2023

In an effort to slow the spread of Covid-19, I am working from home and available through email. For further details visit pima.edu/COVID-19.
Thank you!

Araceli (Cheli) Martinez | Support Technician

AZSBDC Network | Pima Community College, District Offices |

4905 E. Broadway, Bldg. C., First Floor, Room C-117,
Tucson, AZ 85709

Phone | [520.206.4580](tel:520.206.4580)

email | amartinez276@pima.edu

Inline image 1

FY 2021- FY 2023 CITY OF TUCSON FTA DBE PROGRAM PLAN

[EXTERNAL]Re: City of Tucson Draft FTA DBE Goal & Plan 2021-2023

Lea Marquez Peterson <lea@marquezpeterson.com>

Mon 8/3/2020 3:36 PM

To: Lloyd Windle <Lloyd.Windle@tucsonaz.gov>

Cc: Lemmon@nawbo.org <Lemmon@nawbo.org>

Thank you for reaching out, Lloyd. (I'd wondered about the other email. No problem.) We'll share with our members.

Lea Márquez Peterson, MBA
Arizona Corporation Commissioner and
President, Márquez Peterson Group, LLC

Sent from my iPhone

On Aug 3, 2020, at 2:12 PM, Lloyd Windle <Lloyd.Windle@tucsonaz.gov> wrote:

My apologies for the mistake in your name on the earlier email Ms. Marquez Peterson.

Good Morning Ms. Marquez Peterson and Ms. Lemmon,

The City of Tucson is required to review and establish a new Disadvantaged Business Enterprise (DBE) Plan and Goal on a triennial basis for the Federal Transit Administration (FTA) federal fiscal years 2021-2023. We have completed our draft plan which is ready for public inspection and comment.

I would like to ask if you would send it out to your members (NAWBO) for review and input. We have two virtual public meetings scheduled to discuss the draft plan and goal and for stakeholder questions and input.

Below is the email information that I would like to request for you to send to your members with the attachment.

Please let me know if you have any questions.

Thank You,

Lloyd B. Windle II, CPPO, CPPB, C.P.M.
Past President - Copper Chapter of NIGP 2018 - 2019
City of Tucson
Contract Administration Manager

Sample email blurb to send to your members.

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