

COMPLIANCE REVIEW REPORT
OF THE
City of Phoenix Public Transit Department (PTD)
DISADVANTAGED BUSINESS ENTERPRISE PROGRAM

**Final Report
August 2010**

**Prepared for the
Federal Transit Administration
Office of Civil Rights**

by

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SECTION 1 - GENERAL INFORMATION

Grant Recipient: City of Phoenix
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City/State: Phoenix, AZ 85003

Grantee Number: 1683

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Site visit Dates: June 16-18, 2009

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SECTION 2 - JURISDICTION AND AUTHORITIES

The Federal Transit Administration (FTA) Office of Civil Rights is authorized by the Secretary of Transportation to conduct civil rights compliance reviews. The reviews are undertaken to ensure compliance of applicants, recipients, and subrecipients with Section 12 of the Master Agreement, Federal Transit Administration M.A., (15), October 1, 2008 and 49 CFR Part 26, "Participation by Disadvantaged Business Enterprises in Department of Transportation (DOT) Programs."

The City of Phoenix Public Transit Department (City) is a recipient of FTA funding assistance and is therefore subject to the Disadvantaged Business Enterprise (DBE) compliance conditions associated with the use of these funds pursuant to 49 CFR Part 26. These regulations define the components that must be addressed and incorporated in the City of Phoenix's DBE program and were the basis for the selection of compliance elements that were reviewed.

SECTION 3 – PURPOSE AND OBJECTIVES

PURPOSE

The FTA Office of Civil Rights periodically conducts discretionary reviews of grant recipients and subrecipients to determine whether they are honoring their commitment, as represented by certification to FTA, to comply with their responsibilities under 49 CFR Part 26. In keeping with its regulations and guidelines, FTA has determined that a compliance review of the City of Phoenix’s “Disadvantaged Business Program Plan” is necessary.

The primary purpose of the compliance review is to determine the extent to which the City of Phoenix has met its DBE program goals and objectives, as represented to FTA in its Disadvantaged Business Enterprise Program Plan. This compliance review is intended to be a fact-finding process to: (1) examine the City of Phoenix’s Disadvantaged Business Enterprise Program Plan and its implementation, (2) make recommendations regarding corrective actions deemed necessary and appropriate, and (3) provide technical assistance.

This compliance review is not to directly investigate whether there has been discrimination against disadvantaged businesses by the grant recipient or its subrecipients, nor to adjudicate these issues in behalf of any party.

OBJECTIVES

The objectives of DOT’s DBE regulations, as specified in 49 CFR Part 26, are to:

- ensure nondiscrimination in the award and the administration of DOT-assisted contracts in the Department’s financial assistance programs;
- create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
- ensure that the Department’s DBE program is narrowly tailored in accordance with applicable law;
- ensure that only firms that fully meet this part’s eligibility standards are permitted to participate as DBEs;
- help remove barriers to the participation of DBEs in DOT-assisted contracts;
- assist the development of firms that can compete successfully in the marketplace outside the DBE program; and
- provide appropriate flexibility to recipients of Federal financial assistance in establishing and providing opportunities for DBEs.

The objectives of this compliance review are to:

- determine whether the City is honoring its commitment represented by its certification to FTA that it is complying with its responsibilities under 49 CFR Part 26, “Participation by Disadvantaged Business Enterprises in DOT Programs”;
- examine the required components of the City’s Disadvantaged Business Enterprise Program Plan against the compliance standards set forth in the regulations and to document the compliance status of each component; and
- gather information and data regarding the operation of the City’s Disadvantaged Business Enterprise Program Plan from a variety of sources – DBE program managers, other City management personnel, DBEs, and prime contractors.

SECTION 4 – BACKGROUND INFORMATION

The City of Phoenix took over responsibility for transit service from a private company in 1971. The Public Transit Department is responsible for overseeing the City's transit program and also serves as the designated recipient for federal funding under FTA's 5307 and 5309 programs in the Phoenix-Mesa Urbanized Area (UZA). The UZA includes Phoenix, Tempe, Mesa, Scottsdale, Glendale, Avondale, Fountain Hills, Peoria, Paradise Valley, Goodyear, Litchfield Park, Surprise, Youngstown, and the areas of Maricopa County. The City's service area is 515 square miles with a population of approximately 1,786,881. In its regional role, the City is responsible for ensuring compliance with federal funding requirements for itself and the subrecipients to which it passes federal funds. The City's subrecipients provide service in areas outside of the city limits. Each subrecipient signs an Intergovernmental Agreement with the City of Phoenix for the receipt of FTA funds.

The Public Transit Department contains five divisions: Director's Office, Compliance and Contracts Services, Facilities, Operations/Planning, and Regional Information Technology Services. The City Council makes policy decisions about service levels, service changes, and fares. The Public Transit Department makes recommendations to the City Council concerning routes to be operated, the hours of service, and the frequency of service on each route. The Public Transit Department negotiates and administers applicable service contracts.

The City operates fixed-route and complementary paratransit service within the City. The City operates a network of 38 local fixed routes (this includes two limited-stop routes), five circulator routes, five Express routes, four Rapid routes, and two Shuttle routes. The City operates a fleet of 561 buses for fixed-route service. Its bus fleet consists of standard 30-, 35-, and 40-foot transit coaches, and minibuses. The City operates three maintenance facilities in Phoenix (North Transit, South Transit, and West Transit). It operates from six Transit Centers, all located in Phoenix.

Contractors are responsible for day-to-day operation of the service. Currently there are three companies under contract to the City that provide fixed route transit service. Those companies are Veolia, First Transit, Inc., and MV Transportation. The City of Phoenix purchases fixed-route bus service from the City of Tempe and the Regional Public Transportation Authority (RPTA). Veolia operates 27 local routes, three express routes, and three RAPID routes. Veolia also operates the Downtown Area Shuttle (DASH), a downtown circulator. First Transit Services, Inc. operates 11 local routes and two express primarily in the north and west valley. MV Transportation operates a neighborhood circulator service in the Ahwatukee area of Phoenix. MV Transportation also operates the Phoenix Dial-A-Ride, which is limited to people age 65 years and older and to persons with disabilities certified under the Americans with Disabilities Act guidelines. To supplement the dial-a-ride service, the City contracts with Easter Seals of Arizona to provide transportation assistance to employed persons with disabilities and persons receiving dialysis treatments.

The oversight responsibilities of the City include the services provided by their subgrantees. The City of Tempe has a fixed-route service that is operated under contract by Veolia, Inc. RPTA provides service to Scottsdale, Chandler, Gilbert and Mesa. Veolia, Inc. provides fixed-route service and dial-a-ride services under contract to RPTA. In addition, RPTA manages a vanpool

program that includes 348 vans. Dial-a-Ride services are provided by the cities of Glendale, Peoria, and Surprise. RPTA provides service to the unincorporated areas of Sun City and Sun City West with Sun City Transit (SCAT). On December 29, 2009, METRO initiated revenue operations and now provides light rail service over 20.3 miles of track with 10 minute headways from 4:00 a.m. to 12:00 a.m. daily. METRO now has 49 light rail vehicles (LRVs) and requires 36 for peak operations. Maricopa County's Special Transportation Services provide specialized medical services throughout Maricopa County.

Over the past three years, the City completed the following projects:

- Upgraded the North and South Transit Operating Facility to include major maintenance, repair, upgrade, or replacement of typically non-building-related items at the facility, such as landscaping, irrigation, site drainage, site lighting, and replacement of obsolete equipment past its expected service life
- Opened the West Operating Facility that can accommodate 250 buses
- Completed refurbishments of the Sunnyslope Transit Center
- Upgraded the LNG Detection System of the South Operating Facility to include code compliance and enhanced technology.

Currently the City of Phoenix is engaged in the following projects:

- Refurbishing Central Station to include upgrades to the existing transit center to link with the future LRT stations, modification of site elements for greater efficiency and features required for FTA compliance, and the creation of a detailed plan for site upgrades
- Constructing the Interstate 17/Happy Valley Road Park-and-Ride Lot, a 500-space park-and-ride on 7.7 acres that will be constructed at the northwest corner of the freeway interchange. It is scheduled to open for operation in December 2010.
- Expanding and refurbishing the 40th Street/Pecos Road Park Facility
- Refurbishing the Paradise Valley Mall Transit Center. Facility upgrades include signage, lighting, furniture, restroom upgrades, landscaping, irrigation, new bike racks and lockers, a chilled water drinking fountain, and CCTV.
- Expanding and refurbishing the North Operating Facility to become a stand alone facility.

Over the next five years the City of Phoenix plans to undertake the following projects:

- Improve and refurbish five passenger facilities
- Install automatic fuel management systems at the North and South Operating Facilities
- Enhance and improve the HVAC equipment and system at the South Operating Facility

SECTION 5 – SCOPE AND METHODOLOGY

Scope

Implementation of the following twelve required DBE program components specified by the FTA are reviewed in this report.

1. A signed policy statement expressing a commitment to use DBEs in all aspects of contracting to the maximum extent feasible must be signed, dated and distributed [49 CFR 26.23].
2. Designation of a liaison officer and support staff as necessary to administer the program, and a description of the authority, responsibility, and duties of the officer and the staff [49 CFR 26.25].
3. Efforts made to use DBE financial institutions, by the recipient as well as prime contractors, if such institutions exist [49 CFR 26.27].
4. A DBE directory including addresses, phone numbers and types of work performed, must be made available to the public and updated at least annually [49 CFR 26.31].
5. The recipient must determine if overconcentration exists and address this problem if necessary [49 CFR 26.33].
6. Assistance provided to DBEs through Business Development Programs to help them compete successfully outside of the DBE program [49 CFR 26.35].
7. An overall goal must be based on demonstrable evidence of the availability of ready, willing, and able DBEs relative to all businesses ready, willing, and able to participate on a recipient's DOT-assisted contracts [49 CFR 26.43 – 26.53].
8. All contracts must include a non-discrimination clause, a prompt payment clause and must implement appropriate mechanisms to ensure compliance by all participants [49 CFR 26.13, 26.29, 26.37].
9. A certification process must be intact to determine if a potential DBE is legitimately socially and economically disadvantaged. The potential DBE must submit an application, a personal net worth statement and a statement of disadvantage, along with the proper supporting documentation [49 CFR 26.67].
10. The certification procedure must include document review and an on-site visit and determine eligibility consistent with Subpart D of the regulations [49 CFR 26.83].
11. Implementation of appropriate mechanisms to ensure compliance with the part's requirements by all program participants. The DBE program must also include a monitoring and enforcement mechanism to ensure that work committed to DBEs at contract award is actually performed by DBEs. [49 CFR Part 26.37]. Reporting must include information on payments made to DBE firms [49 CFR 26.11, 26.55].

12. In establishing an overall goal, the recipient must provide for public participation and then provide information on this goal to the public through published notices [49 CFR 26.45].

Methodology

The initial step in the scope of this Compliance Review consisted of consultation with the FTA Office of Civil Rights and a review of available information from FTA's TEAM System and other sources. Subsequent to this review, potential dates for the site visit were coordinated.

An agenda letter was then compiled and sent to the City of Phoenix by FTA's Office of Civil Rights. The agenda letter notified the City of Phoenix of the planned site visit, requested preliminary documents, and informed the City of Phoenix of additional documents needed and areas that would be covered during the on-site portion of the review. It also informed the City of Phoenix of staff and other parties that would potentially be interviewed.

The documents received prior to the on-site portion of the review were examined and an itinerary for the site visit was developed. An entrance conference was conducted at the beginning of the Compliance Review with the City of Phoenix staff and the review team.

Subsequent to the entrance conference, a review was conducted of the City of Phoenix's DBE plan and other documents submitted to the review team by the DBE Liaison Officer. Interviews were then conducted with the City of Phoenix regarding DBE program administration, record keeping and monitoring. These interviews included staff from procurement, engineering, finance and project management. A sample of contracts were then selected and reviewed for their DBE elements. Additionally, interviews with prime contractors, DBEs and interested parties were performed.

At the end of the review, an exit conference was held with the City of Phoenix staff and the review team. A list of attendees is included at the end of this report. At the exit conference, initial findings and corrective actions were discussed with the City of Phoenix.

Following the site visit, this draft report was compiled.

SECTION 6 – ISSUES AND RECOMMENDATIONS

1. DBE Policy Statement

Basic Requirement: (49 CFR Part 26.23) Recipients must formulate and distribute a signed and dated DBE policy, stating objectives and commitment to the DBE program. This policy must be circulated throughout the recipients' organization and to the DBE and non-DBE business communities.

Discussion: During this DBE Compliance Review, deficiencies were found with requirements for a policy statement. The City of Phoenix included a policy statement in their 1999 DBE Program Plan. The policy statement incorporated the objectives of 49 CFR Part 26. However, it did not assign responsibility for the implementation of the program nor was the policy statement signed and dated. The only document that appeared to be signed and dated was the DBE Program Assurance signed by Frank Fairbanks, City Manager, on August 30, 1999. Furthermore, there was no evidence provided to the review team that the policy has been circulated to DBE and non-DBE business communities.

Prior to the issuance of the final report, the City of Phoenix provided a signed and dated policy statement that expresses their commitment to the DBE program, states its objectives and outlines its responsibilities for implementation. Additionally, evidence was provided that the most recent statement was distributed throughout the organization and to the DBE and non-DBE business communities. This deficiency is now closed.

2. DBE Liaison Officer

Basic Requirement: (49 CFR Part 26.25) Recipients must have a designated DBE liaison officer who has direct and independent access to the CEO. This liaison officer is responsible for implementing all aspects of the DBE program and must have adequate staff to properly administer the program.

Discussion: During this DBE Compliance Review, an advisory comment was made with the requirement for the DBE Liaison Officer. The Deputy Equal Opportunity Director within the Equal Opportunity Department is designated as the City's DBE Liaison Officer. The position has full responsibility for implementing all aspects of the program and has direct independent access to Frank Fairbanks, the City Manager, for all issues related to the DBE Program. This was confirmed with an organizational chart and personnel documents provided during the compliance review, as well as the interview with Carolyn Gall, the incumbent of the position.

The Deputy Equal Opportunity Director is responsible for the oversight and coordination of the city-wide Minority, Woman, Small and Disadvantaged Business Enterprise (M/W/S/DBE) Participation Programs. For the City's DBE Program, the Deputy Director has authority for DBE certification, annual goal setting, project goal setting, contract compliance and reporting. Dedicated staff in the Public Transit Department

perform day-to-day duties related to the project goal-setting, data collection, and compliance components of the program, including monitoring all subrecipient activity. According to the organizational chart provided to the review team, thirteen positions report directly to the Deputy Equal Opportunity Director. Two positions, the Public Transit DBE Officer and Equal Opportunity Program Assistant from the Public Transit Department, are also reflected on the organizational with a dotted line reporting to the Deputy Director.

Recommended Action: The City of Phoenix should update their DBE Program Plan and their DBE Program Operating Procedures to include the organizational chart and designation of their DBE Liaison Officer as described above.

Grantee's Response: The DBE Program Plan has been updated effective August 30, 2009. The Plan accurately reflects the DBELO designation as resting with the Equal Opportunity Department Deputy Director. The City will transmit the revised Plan as part of its response to the final report.

FTA's Response: No further action required.

3. Financial Institutions

Basic Requirement: (49 CFR Part 26.27) Recipients must investigate the existence of DBE financial institutions and make efforts to utilize them. Recipients must encourage prime contractors to use these DBE financial institutions.

Discussion: During this DBE Compliance Review, no deficiencies were found for financial institutions. As stated in its DBE Program Plan, the City of Phoenix's policy is to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions, and to encourage prime contractors on DOT-assisted contracts to make use of these institutions.

At the time of the site visit, the City of Phoenix noted that it had researched the possibility of utilizing financial institutions owned and controlled by socially and economically disadvantaged individuals. Their investigation included contact with the Arizona State Banking Department and periodic reviews of the Federal Reserve Board of Governor's website. To date, no such financial institutions have been identified in the State of Arizona.

4. DBE Directory

Basic Requirement: (49 CFR Part 26.31) A DBE directory must be available to interested parties including addresses, phone numbers and types of work each DBE is certified to perform. This directory must be updated at least annually and must be available to contractors and the public upon request.

Discussion: During this DBE Compliance Review, no deficiencies were found with the requirement for a DBE directory. The City of Phoenix currently utilizes Arizona's UCP directory as its DBE directory. A link to this directory is included on the City of Phoenix's website and is also referenced in their solicitation documents. The review team viewed the web-based directory during the site visit. The directory includes the information required by the regulations. It lists the firm's name, mailing address, telephone number, and the type of work the firm has been certified to perform as a DBE. The directory is maintained and updated on a daily basis by the Arizona Department of Transportation. The directory is also available in hard copy from the City of Phoenix Equal Employment Opportunity Department upon request.

5. Overconcentration

Basic Requirement: (49 CFR Part 26.33) The recipient must determine if overconcentration of DBE firms exists and address the problem, if necessary.

Discussion: During this DBE Compliance Review, no deficiencies were found with the requirement for overconcentration. The City of Phoenix conducts an analysis of overconcentration on an annual basis. The analysis includes a review of the scopes of work being awarded to DBE subcontractors to ensure that DBEs are not overutilized in specific areas to the exclusion of non-DBE firms.

For Federal Fiscal Year 2007-08, it was determined that 53.3% of all DBE contracts occurred in the construction services area; 30.4% were professional and consultant services; and 16.3% accounted for goods and general services. Their analysis concluded that DBE and non-DBE firms are being utilized across the full range of work available on the contracts awarded. No one particular area was consistently allocated to DBEs so as to create an adverse impact on non-DBEs in those trade areas. DBEs were awarded contracts in the areas of concrete, engineering, electrical, and goods and general services. The analysis of overconcentration for work performed by DBEs was documented in their annual DBE Program report and submitted to the FTA.

6. Business Development Programs

Basic Requirement: (49 CFR Part 26.35) The recipient may establish a Business Development Program (BDP) to assist firms in gaining the ability to compete successfully in the marketplace outside the DBE program.

Discussion: During this DBE Compliance Review, no deficiencies were found in the area of Business Development Programs (BDP). The City of Phoenix does not currently have a formal Business Development Program in place. However, the Small Business Division of the City's Community and Economic Development Department offers a number of programs to help small business owners succeed. Some of these include:

- Management Technical Assistance (MTA) Program – offers technical assistance to Phoenix-based small businesses in the areas of business planning, marketing,

accounting, quality control, financing and loan packaging.

- Expansion Assistance and Development (EXPAND) Program and the Phoenix New Markets Loan Program – provide small and medium sized businesses access to capital.
- Business Enterprise Team (BET) – provides various certification services, training, technical support, and networking opportunities.

During the site visit, the City of Phoenix provided the review team with informational brochures and a calendar of events to substantiate their participation in these programs.

7. Determining/ Meeting Goals

A) Calculation

Basic Requirement: (49 CFR Part 26.45) To begin the goal setting process, the recipient must first develop a base figure for the relative availability of DBEs. After the base figure is achieved, all other relative evidence must be considered in an adjustment of this figure to match the needs of the specific DBE community.

Discussion: During this DBE Compliance Review, no deficiencies were found with the requirements for calculation of goal. The City of Phoenix engaged the services of MGT of America, Inc. to assist in the development of its overall DBE goal for federally funded contracts. The goal methodology is contained in their 1999 DBE Program plan.

The review team examined the FY 2009 goal submission provided by the City of Phoenix. The proposed goal for FY 2009 was 13.79%. The proposed goal does not include FTA funded Central Phoenix/East Valley Light Rail Transit Project contracts. Those are part of a separate and distinct multi-year goal previously approved by the FTA.

Step 1: Determining the Base Figure

The base figure is determined by the availability of ready, willing and able DBEs relative to all businesses ready, willing and able to participate on DOT-assisted contracts. The City determined their relevant market area for establishing the annual goal is Maricopa, Arizona based on an analysis of the geographical locations of prime contractors by county that have participated in FTA-assisted contracts in the past. Fourteen total contracts were identified for award in FY 2009 – four for the City of Phoenix, five by the Regional Public Transit Authority and five by the subrecipient cities of Glendale, Scottsdale, Goodyear, and Mesa. Opportunities for DBE participation on these contracts included construction, design and planning.

The information used to determine the number of ready, willing and able firms was gathered from a number of sources. These included the historical plan holder lists; firms listed on the Arizona Department of Transportation qualified bidders list; firms that have obtained specifications from Bid Source and other construction related organizations; availability information provided in a Minority/Woman/Small Business Enterprise Program Update Study completed by the City; and DBE firms certified by members of

the Arizona UCP in the applicable NAICS code areas. Based on these data sources, the City determined there were 1,717 contractors and 263 DBE contractors. The total number of DBE contractors was divided by the total number of contractors, which equated to a base figure of 15.32%.

Step 2: Adjusting the Base Figure

The regulation indicates that once the Step One figure is calculated, all of the evidence available in your jurisdiction must be examined to determine what adjustment, if any, is needed to the base figure in order to arrive at your overall goal. The City's FY 2009 goal submission included narratives explaining their rationale for a step two adjustment. One of the factors considered in the adjustment was the use of a disparity ratio calculation to address the historical under/over utilization of DBEs and evidence found during the City's 2005 M/W/SBE Program Update Study. After applying the disparity ratio formula, the DBE relative availability percentage was increased from 15.32% to 15.56%. The other factor taken into consideration was the City's past participation. This was accomplished by averaging the 12.01% median past participation with the 15.56% adjusted availability, resulting in a final adjusted relative DBE availability of 13.79%.

B) Transit Vehicle Manufacturer (TVM)

Basic Requirement: (49 CFR Part 26.49) The recipient must require that each transit vehicle manufacturer (TVM) certify that it has complied with the regulations.

Discussion: During this DBE Compliance review, a deficiency was found with the requirement for transit vehicle manufacturer. The review team examined Agreement No. 118809 for the purchase of 40' and 60' articulated, low floor, ultra-low sulfur diesel-powered, heavy duty buses. A TVM certification was secured from the successful bidder, New Flyer of America, Inc. However, the certification incorrectly cited 49 CFR Part 23, not Part 26.

Corrective Action and Schedule: Within 60 days of the issuance of the final report, the City of Phoenix must provide the Region IX Civil Rights Officer with a corrected version of the TVM certification along with evidence that it has directed the appropriate procurement officials within the City to utilize this certification in all federally funded vehicle procurements.

Grantee's Response: The City of Phoenix provided the corrected version of the TVM certification to all internal procurement staff and to subrecipient representatives on September 9, 2009.

FTA's Response: FTA partially concurs with the City's response. By November 1, 2010, the City should provide the Region IX Civil Rights Officer the corrected version of the TVM certification and evidence that the City has directed appropriate procurement officials to utilize this certification in all federally funded vehicle procurements.

C) Race Neutral DBE Participation

Basic Requirement: (49 CFR Part 26.51) The recipient must meet the maximum feasible portion of the overall goal by using race neutral means of facilitating DBE participation. Examples of how to reach this goal amount are listed in the regulations.

Discussion: During this DBE Compliance Review, no deficiencies were found with the requirements for race neutral participation. In its FY 2009 goal calculation, the City of Phoenix established an overall annual goal of 13.79 % and projected that it would achieve 8.81% of it through race conscious measures and 4.98% of it through race neutral means. The calculation was based on their past participation and the degree to which the project goals were exceeded for similar type projects over a five year period. Of the projects reviewed, the median goal was 9% and the median participation was 13.98%. The difference resulting in the race neutral split of 4.98%.

D) Race Conscious DBE Participation

Basic Requirement: (49 CFR Part 26.51) The recipient must project a percentage of its overall goal that will be met through race conscious means. These contracts may have varying DBE goals, and be made on an individual basis, depending on conclusions of the studies performed.

Discussion: During this DBE Compliance Review, a deficiency was found with the requirements for race conscious participation. The City of Phoenix's procedures for setting DBE goals on its federally funded projects are described in their 1999 DBE Program Plan and Operating Procedures. Pending solicitations are reviewed to determine the elements of work and the estimated cost associated with the project. The availability of DBEs to perform that work is also determined by reviewing their DBE Directory. During the site visit, the review team reviewed the goal methodology for PT-70120004, Paradise Valley Mall Transit Center Refurbishments. Based on the above analysis, John Cleveland, former Civil Rights Manager in the Public Transit Department, recommended a DBE goal of 12.8% for the project to the Equal Opportunity Department for inclusion in the bid documents. The process for establishing contract goals was confirmed by the review team.

The City of Phoenix had an overall annual goal of 13.5% for Fiscal Year 2006, 9.2% for Fiscal Year 2007, and 15.8% for Fiscal Year 2008. The City's Uniform Reports of DBE Awards or Commitments and Payments show an overall attainment of 19.2%, 13.4% and 18.9% achieved during each respective fiscal year. However, the City of Phoenix did not provide any documentation of how or when it evaluates its achievements, based on awards, throughout the year in order to make any adjustments required to the use of contract goals, as described in 49 CFR Part 26.51 (f):

If, during the course of any year in which you are using contract goals, you determine that you will exceed your overall goal, you must reduce or eliminate the use of contract goals to the extent necessary to ensure that the use of contract goals does not result in exceeding the overall goal. If you determine that you will fall short of your overall goal, then you must make appropriate modifications in your use of race-neutral and/or race-conscious measures to allow you to meet the overall goal.

Corrective Action and Schedule: Within 60 days of the issuance of the final report, the City of Phoenix must provide the Region IX Civil Rights Officer documentation of their procedure for incorporating the process for contract goal usage to demonstrate their compliance with 49 CFR, Part 26.51 (f).

Grantee's Response: Procedures documenting the review process utilized by the City to assess over-attainment of the annual goal are being updated and will be completed by October 1, 2009. When completed, training will be held to ensure staff is aware of the review process.

The City agrees with the finding that the process used to review and address over-attainment should be better documented. However, the City believes the assessment should go beyond a comparison of the commitments section of the annual report to the established goal cited in the report to determine if over- attainment has occurred. To be narrowly tailored, the assessment should address changes made to the number, scope, size, of contracts awarded, including the specific trade areas where DBE participation could have occurred to the actual proposed utilization on each contract. During the course of a given fiscal year the City has experienced significant changes that would impact actual contracts awarded, scopes of work inherent in the contracts, and other factors that impact availability and the degree of DBE participation that could be expected to occur. This approach also takes into consideration DBE prime contracts and large subcontracts that skew participation results. The City's approach and methodology in this area will be provided in response to the final report.

FTA's Response: FTA does not concur with the City's response. By November 1, 2010, the City should provide the Region IX Civil Rights Officer documentation of their procedures for periodically reviewing their performance against the annual goal and adjusting the use of contract goals, when necessary.

E) Good Faith Efforts

Basic Requirement: (49 CFR Part 26.53) The recipient may only award contracts, with DBE goals, to bidders who have either met the goals or conducted good faith efforts (GFE) to meet the goals. The bidders must provide documentation of these efforts for review by the recipient.

Discussion: During this DBE Compliance Review, no deficiencies were found with the requirements for good faith efforts. The procedures for awarding contracts with contract-specific goals were noted in the City of Phoenix 1999 DBE Program Plan and solicitation documents. The City has a process in place that treats bidders' compliance with good faith efforts requirements as a matter of bid responsiveness. The procedures note that the bidder, as part of its proposal, must include Attachment A, Letter of Intent completed by the DBE and Attachment B, Proposed DBE Bid Participation, that the DBE goal established for the project will be met. The request includes the name and address of each DBE that will participate on the contract, a description of the work, the dollar amount of participation and percentage of the bid amount. The Equal Opportunity Department reviews the information to determine if the proposed DBE dollar amounts

satisfy the project goal requirements. The Equal Opportunity Department also verifies that the firms identified for participation are currently certified.

During the compliance review, the review team requested evidence of their adherence to the above procedures. The City of Phoenix provided the team with documentation for Contract Number PT7012004, Paradise Valley Mall Transit Center Refurbishments. There was a 13% DBE participation goal established for the project. Three bidders responded to the solicitation. Two of the firms, PFG Construction and Shannon Construction, were found responsive to the DBE requirements. The third firm, MS Square, was rejected for failing to provide sufficient information on Attachments A and B to verify their efforts towards meeting the DBE goal established for the contract.

F) Counting DBE Participation

Basic Requirement: (49 CFR Part 26.55) The recipient must count only the value of work actually performed by the DBE toward actual DBE goals.

Discussion: During this DBE Compliance Review, no deficiencies were found with the requirements for counting DBE participation. The 1999 DBE Program Plan properly references the regulations for counting DBE participation on contracts. The procedures for counting DBE participation were also found in the boilerplate language of the solicitation documents. During the site visit, the review team requested to see evidence of the City of Phoenix's collection of data for counting DBE participation. The Department of Equal Opportunity initially verifies the counting method for participation amounts when the bidder submits its list of DBE firms on a project. The correct counting method for DBE participation was utilized for all of the contracts reviewed.

G) Quotas

Basic Requirements: (49 CFR Part 26.43) The recipient is not permitted to use quotas or set-aside contracts.

Discussion: During this DBE Compliance Review, no deficiencies were found with the requirement for quotas. No evidence of the use of quotas or set-aside contracts by the City of Phoenix was found during the site visit.

8. Required Contract Provisions

A) Contract Assurance

Basic Requirements: (49 CFR Part 26.13) Each contract signed with a contractor (and each subcontract the prime contractor signs with a subcontractor) must include a non-discrimination clause detailed by the regulations.

Discussion: During this DBE Compliance Review, deficiencies were found with the requirements for Contract Assurances. The City's DBE Program Plan indicated that each contract signed with a contractor and each subcontract the prime signs with a subcontractor will include the nondiscrimination language of 26.13 in the DBE regulations. Upon review of contracts in the City's projects, it appears that the necessary nondiscrimination clauses do not flow down to the subcontractors.

The review team examined the Paradise Valley Mall Transit Center Refurbishments project. The City awarded the prime contract to PFG Construction. PFG subcontracted portions of work to the DBE firm, SC Legacy Contracting, LLC. The contract between the City and PFG included the DBE contract provisions found in the City's DBE Program Plan. Page FTA 25 Clause 22, General Requirements of the contract provisions outlined the nondiscrimination language that the City indicated they would include in their contracts with contractors in addition to subcontracts. However, the DBE contract provisions were not found in the SC Legacy Contracting, LLC subcontract agreement.

Corrective Action and Schedule: Within 60 days of the issuance of the final report, the City must submit to the Region IX Civil Rights Officer documentation that it has implemented procedures to ensure that the nondiscrimination assurance is included in the contracts with its prime contractors and their DBE subcontractors working on FTA-assisted projects.

Grantee's Response: A sign-off requirement has been developed and incorporated into the contracting process to ensure that the required nondiscrimination clause is present in all federally-assisted contracts. City and subrecipient contracts cannot be finalized without the authorized signature of the designated party responsible for verifying this, and other required DBE program language is included. This process is being documented in the program operating procedures and will be effective October 1, 2009.

FTA's Response: FTA concurs with the City's response. By November 1, 2010, the City should provide the Region IX Civil Rights Officer the revised program operating procedures to ensure that the nondiscrimination assurance is included in contracts with its prime contractors and their DBE subcontractors working on FTA-assisted contracts.

B) Prompt Payment

Basic Requirements: (49 CFR Part 26.29) The recipient must establish a contract clause to require prime contractors to pay subcontractors for satisfactory performance on their contracts no later than a specific number of days from receipt of each payment made by the recipient. This clause must also address prompt return of retainage payments from the prime to the subcontractor within a specific number of days after the subcontractors' work is satisfactorily completed.

Discussion: During this DBE Compliance Review, no deficiencies were found with the requirements for Prompt Payment, but deficiencies were found with the requirement for Return of Retainage.

Prompt Payment

The City's DBE Program Plan advises that the policies concerning prompt payment are applicable to contractors, subcontractors, service providers, material suppliers, and all tier subcontractors, service providers, and supplies. It is noted that the prompt payment provisions are to be included in subcontract, service, or purchase agreement language, agreeing to pay promptly as required in the specifications. According to the specifications, subcontractors are paid no later than 7 working days after receipt of payment by the City. Primes pay material suppliers and service suppliers within 7 days

after receipt of payment of work that includes materials and or services.

The FTA funded prime contract between PGF Construction and the City included the prompt payment requirements. It was also found in the subcontracts between PGF Construction and its DBE subcontractor, SC Legacy. The review team also examined contracts for the Valley Metro Rail Park and Ride Lots Sycamore –Main Street Project. The FTA funded prime contract between Sundt Construction/Stacy and Witbeck, JV and Metro Rail included the prompt payment language. It was also incorporated in the subcontract between Sundt Construction/Stacy and Witbeck and its DBE subcontractor, MRM Construction Services, Inc. by reference to the Arizona prompt payment statute.

Return of Retainage

In June 2003, USDOT issued a Final Rule on DBE that contained new requirements for prompt return of retainage. According to the Final Rule, if an agency chooses to hold retainage from a prime contractor, they must have prompt and regular incremental acceptances of portions of the prime contract, pay retainage to prime contractors based on these acceptances, and require a contract clause obligating the prime contractor to pay all retainage owed to the subcontractor for satisfactory completion of the accepted work within 30 days after payment to the prime contractor.

The City is withholding retainage from its prime contractors on FTA assisted contracts. The DBE Program Plan indicates that any reduction of retainage to the Contractor must also result in a like reduction to subcontractors for their work successfully completed within fourteen (14) days of the reduction of retainage to the Contractor. Upon review of the agreement between PFG Construction and the City, the proper language was inserted. However, the subcontract agreement between PFG Contracting and SC Legacy Contracting only allows for the subcontractor to submit a final payment application in connection with a final payment application to the City from the PFG Contracting. In addition, there was no provision for release of retainage in the subcontract between Sundt Construction/Stacy and Witbeck and its DBE subcontractor, MRM Construction Services, Inc. The subcontract only indicates that final payment to the subcontractor will be made after final payment has been received by the contractor.

See additional discussion of this issue under Section 11, Record Keeping and Enforcements.

Corrective Action and Schedule: Within 60 days of the issuance of the final report, the City of Phoenix must provide the Region IX Civil Rights Officer with documentation that it has implemented the requirements of Part 26.29 as noted in the June 2003 Final Rule. Additionally, the City of Phoenix should provide documentation that it has implemented procedures to ensure that the language addressing retainage is included in the agreements with subcontractors participating on FTA-assisted projects. Procedures should include specifics as to how subrecipients will be monitored for compliance with this requirement.

Grantee's Response: The DBE clause language required in all solicitations and contracts has been revised to include the required retainage language. The language has been distributed to all parties with responsibility for contracts for the City and in subrecipient organizations.

FTA's Response: FTA partially concurs with the City's response. By November 1, 2010, the City should provide the Region IX Civil Rights Officer the revised retainage language and procedures to ensure retainage language is included in agreements with prime and subcontractors participating on FTA-assisted projects. The procedures should also specify the provisions and process for the City's periodic review and acceptance of work.

C) Legal Remedies

Basic Requirements: (49 CFR Part 26.37) Recipients must implement appropriate mechanisms to ensure compliance by all participants, applying legal and contract remedies under Federal, state and local law.

Discussion: During this DBE Compliance Review, no deficiencies were found with the requirement for legal remedies. In its DBE Program Plan, the City imposes several contract remedies including withholding of payment, suspension for one year for future contract opportunities and contract cancellation. These provisions as well as alternate dispute resolution provisions have been included in the prime contracts that were reviewed.

9. Certification Standards

Basic Requirements: (49 CFR Part 26.67) The recipient must have a certification process intact to determine if a potential DBE firm is legitimately socially and economically disadvantaged according to the regulations. The DBE applicant must submit the required application and a signed and notarized statement of personal net worth with appropriate supporting documentation.

Discussion: During this DBE Compliance Review, no deficiencies were found with the requirement for certification standards. The City is a certifying agency in the Arizona Unified Certification Program (AZUCP) for DBE firms located in Maricopa County. The City utilizes the Uniform Application Form found in Appendix F of the DBE regulations for DBE certification. No supplemental form is used as part of the certification package. They also require the individuals claiming social and economic disadvantage to complete the SBA personal financial statement form.

The review team interviewed the City representative to evaluate compliance with this subpart. No issues were discovered in the areas of group membership, ownership, control and individual determinations. The City of Phoenix's Equal Opportunity Department is responsible for DBE certification determinations, site reviews, annual certification updates, supportive services and outreach.

10. Certification Procedures

Basic Requirements: (49 CFR Part 26.83) The recipient must determine the eligibility of firms as DBEs consistent with the standards of Subpart D of the regulations. The recipient's review must include performing an on-site visit and analyzing the proper

documentation.

Discussion: During this DBE Compliance Review, no deficiencies were found with the requirement for certification procedures. The City certifies firms for a period of three (3) years. During the three year period, DBEs must submit an annual certification update every year attesting that no circumstances have changed that would affect their certification eligibility. After the three year period, DBEs must complete the Uniform Application Form. The City will complete an on-site review if circumstances warrant one to be conducted.

The review team examined various types of files from the City to gauge compliance with implementation of the certification procedures of this subpart. The information in the certification files appeared to follow the procedures outlined in the AZUCP certification procedures. The removal process and files were also analyzed by the review team. The City appeared to follow the removal procedures outlined in 26.87 of the DBE regulations. When a determination has been made to remove a DBE firm's certification, the firm is notified by letter and has fifteen days from the date of the letter to respond and provide additional information to refute the initial findings. The letter also includes information on an informal hearing process. The separation of functions is carried out by a hearing officer who did not take part in the certification process. All AZUCP partners are required to abide by the decision of the hearing officer. There is no informal hearing process of the AZUCP for initial denials; therefore, applicants' method of recourse is by appeal to the USDOT. The City indicated that they have not had any appeals overturned by the USDOT.

11. Record Keeping and Enforcements

Basic Requirement: (49 CFR Part 26.11, 26.55) The recipient must provide data about its DBE program to the FTA on a regular basis. This information must include monitoring of DBE participation on projects through payments made to DBE firms for work performed. The recipient must maintain a bidders list complete with subcontractor firm names, addresses, DBE status, age of firm and annual gross receipts of the firm.

Discussion: During this DBE Compliance Review, deficiencies were found with the FTA requirement for Record Keeping and Enforcements.

Bidders List

The City's 1999 DBE Program plan indicates that it will maintain a bidders list of all firms that bid and quote on a contract. This includes all subcontractors, suppliers and service providers. During the compliance review, the team requested a sample of information collected. In response to this request, a document called "Customer Listing" developed by the City's Engineering and Architectural Services was provided. It appears that the listing was developed to notify potential bidders of contracting opportunities in engineering and construction. It does not collect information on companies participating or interested in participating in the City's DOT-assisted contracts as required by the regulations.

Monitoring

The City of Phoenix's DBE Program Plan Operating Procedures define the monitoring functions for DOT-assisted contracts. According to the operating procedures, the Equal Opportunity Department (EOD) is responsible at the time of the bid for ensuring that all firms listed on the proposed DBE utilization form are certified and that their proposed utilization meets the required DBE goal established for the project. As part of their contract compliance procedures, the EOD collects and reviews all subcontracts with DBE firms to ensure subcontracts are consistent with the prime contractors DBE utilization commitment at the time of bid. The procedures also require the conduct of on-site visits in the field to ensure that DBE firms are independently performing a commercially useful function on the contract. Additionally, the procedures call for staff to review pay requests and Statement of DBE Utilization forms submitted by the prime contractor on a monthly basis to ensure that actual DBE utilization is in line with the overall prime contractor commitment.

During the site visit, the review team examined the City of Phoenix's monitoring process for the Paradise Valley Mall Transit Center Refurbishments Project. PFG Construction, the successful bidder, committed to a DBE participation of 30.18% on the project. To fulfill their DBE commitment, SC Legacy Contracting, LLC, was identified on Attachment B, Proposed DBE Participation, to perform work in the area of landscape and irrigation. In accordance with their operating procedures, the City verified that SC Legacy was certified as a DBE to perform work in the proposed scope of work, landscaping construction and irrigation, and that their proposed DBE utilization met the goal for the project. Furthermore, the review team found evidence that various documents were collected during the project as part of their monitoring effort. These included the subcontract agreement between PFG Construction and SC Legacy, payment information submitted by the prime contractor and DBE for input into their database system, and certified payroll. It was also noted that an on-site visit was conducted with the DBE firm and the results documented in a monitoring report.

Although the above practices appear to be effective to monitor DBE participation on projects, the review team found several areas that need additional improvement. According to the subcontract agreement between PFG Construction and SC Legacy, the description of work noted for the DBE was landscape and irrigation in the contract amount of \$197,180. However, the subcontract indicates a number of items that appear to be outside the DBE's certified scope of work. These include furnishing and installing drinking fountains, information kiosks, bike lockers, benches, trash receptacles, and skate board protection devices. According to the Application and Payment Records reviewed during the site visit, the scheduled value for these items totaled approximately \$65,000. In addition, evidence indicates that SC Legacy subcontracted their work to two other firms, AZ Crane, LLC and JBN Industrial Fence, neither of which appear to be DBE certified or approved by the EOD. Both items require further investigation and an adjustment made to the DBE participation for the project, where warranted.

Secondly, it does not appear that that the City has developed and implemented a process to review the contracts of the DBE subcontractors performing work on federally assisted projects to ensure that the DBE requirements are included. Nor was evidence provided to the review team that the City has a process in place to ensure their subrecipients'

compliance. Monitoring of subrecipients is not addressed in the current DBE Program Plan or Operating Procedures. As discussed in Item 8, Required Contract Provisions, of the projects reviewed during the site visit for the City of Phoenix and their subrecipient, Metro Rail, the non-discrimination clause and language specified in the regulations for retainage were not found in the subcontracts between the prime contractor and their DBE subcontractor.

Reporting

At the time of the site visit, the City of Phoenix was submitting the required semi-annual DBE reports to the FTA providing data about the DBE program. The City is utilizing the reporting form included in the June 2003 Final Rule and has been reporting on time. The review team was provided with several semi-annual reports and supporting documentation. The City of Phoenix Public Transit Department also provided a demonstration of their recently purchased database system that is used for tracking critical information needed for the completion of the reports.

For the report covering the period October 1, 2007 through March 31, 2008 and the report covering the period April 1, 2008 through September 30, 2008, the City completed two reports. One report captured FTA-funded opportunities and achievements on contracts managed by the City of Phoenix as well as those by their subrecipients. The second report captured contracting activity specifically for the Central Phoenix/East Valley Light Rail Transit Project that had a multi-year project goal separate and apart from the FTA annual goal.

Corrective Action and Schedule: Within 60 days of the issuance of the final report, the City of Phoenix must submit to the Region IX Civil Rights Officer the following information:

- Procedures and timeline for compiling a bidders list that can be used as more refined data in the annual goal-setting process.
- Procedures for improving monitoring efforts of work committed to DBEs. This should address the review of the agreements between the prime contractors and their DBE subcontractors performing work on federally assisted projects; verification of scopes of work identified for the DBE to perform; determination if DBEs are subcontracting work to non-DBEs; and inclusion of required contract language
- Procedures for monitoring subrecipients' compliance with the DBE regulations

Grantee's Response: A process has been developed and will be effective October 1, 2009, to require all bidders to provide information on firms solicited in preparing their bid or proposal. The requirement has been incorporated into the solicitation and contract language used by the City and its subrecipients.

Additional audit measures are being developed and put into place to ensure the compliance of the City and subrecipients in the following areas: 1) review of all subcontracts and bid documents to audit the scopes of work being awarded to DBEs and ensure that required language is included; 2) verification that all DBE subcontracts are collected and reviewed; 3) audit of pay requests and additional due diligence to verify scopes of work being performed by DBEs; and, 4) implementation of additional

procedural requirements for subrecipient monitoring of DBE participation.

FTA's Response: FTA concurs with the City's response. The City should provide the Region IX Civil Rights Officer their revised procedures for compiling a bidders list, monitoring work committed to DBEs, and monitoring subrecipients' compliance with the DBE regulations. Procedures should be provided by April 19, 2010.

12. Public Participation and Outreach

Basic Requirement: (49 CFR Part 26.45) In establishing an overall goal, the recipient must provide for public participation through consultation with minority, women and contractor groups regarding efforts to establish a level playing field for the participation of DBEs. A published notice announcing the overall goal must be available for 30 days. The public must be notified that the recipient is accepting comments on the goal for 45 days following the date of the notice.

Discussion: During this DBE Compliance Review, a deficiency was found with the FTA requirement for Public Participation and Outreach. The City's 1999 DBE Program plan notes several organizations that it will consult with regarding the annual goal. However, based on interviews conducted with staff, this consultation is performed at the conclusion of the goal setting process rather than during the process in accordance with the regulations. 49 CFR Part 26.45 (g) states that in establishing an overall goal, you must provide for public participation. This public participation must include consultation with minority, women's and general contractor groups, community organizations, and other officials or organizations which could be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs and the process of developing a level playing field for the participation of DBEs.

The City of Phoenix publishes its DBE goals for public comment. It posts a notice of the proposed overall goal, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at several locations throughout the city including the Public Transit and the Equal Opportunity Departments. Comments on the goals are accepted for 45 days from the date of the notice. The City of Phoenix published its Fiscal Year 2009 annual goal in two newspapers – The Arizona Republic and the Arizona Business Gazette. Documentation of their publication was provided to the review team.

Prior to the issuance of the final report, the City of Phoenix provided evidence of a consultative process that it will be utilized to gather input prior to the formalization and submission of the goal to the FTA. The City's revised DBE Program Plan Operating Procedures indicates that the Equal Opportunity Department will plan and facilitate a business partner dialogue with representatives of chambers of commerce, business advocacy organizations, trade associations, and service providers to gather input and feedback on efforts to establish a level playing field for the participation of DBEs *prior to the goal setting process*. In addition, the revised procedures note the completion of the

consultative process and the comment period for public notice in advance of August 1st of each year. This deficiency is now closed.

SECTION 7 – SUMMARY OF FINDINGS

Requirement of 49 CFR Part 26	Ref.	Site visit Finding	Description of Deficiencies	Corrective Action(s)	Response Days/Date
1. Policy Statement	26.23	D	Policy not signed, did not include implementation information and evidence of distribution not provided	Provide updated policy and evidence of distribution.	Closed prior to final report issuance
2. DBE Liaison Officer	26.25	AC	DBELO designation not accurately reflected in DBE Program Plan or Operating Procedures	Update DBE Program and Operating Procedures with corrected designation for the DBELO.	N/A
3. Financial Institutions	26.27	ND			
4. DBE Directory	26.31	ND			
5. Overconcentration	26.33	ND			
6. Business Development Programs	26.35	ND			

Requirement of 49 CFR Part 26	Ref.	Site visit Finding	Description of Deficiencies	Corrective Action(s)	Response Days/Date
7. Determining / Meeting Goals A) Calculation	26.45	ND			
B) TVM	26.49	D	Incorrect TVM certification	Provide corrected version of TVM certification and evidence that the appropriate procurement officials within the City have been directed to utilize this certification in all federally funded vehicle procurements.	11-1-10
C) Race Neutral	26.51	ND			
D) Race Conscious	26.51	D	Exceeding overall goal	Provide documentation of procedures for incorporating process for contract goal usage to demonstrate compliance with 49 CFR, Part 26.51 (f).	11-1-10
E) Good Faith Efforts	26.53	ND			
F) Counting DBE Participation	26.55	ND			
G) Quotas	26.43	ND			

Requirement of 49 CFR Part 26	Ref.	Site visit Finding	Description of Deficiencies	Corrective Action(s)	Response Days/Date
8. Required Contract Provisions A) Contract Assurance B) Prompt Payment C) Legal Remedies	26.13	D	Nondiscrimination clause not in all subcontracts	Provide procedures to ensure nondiscrimination assurance is included in all contracts and subcontracts.	11-1-10
	26.29	AC	Return of retainage language not included in all subcontracts	Provide documentation that the City has implemented requirements of Part 26.29 as noted in the June 2003 Final Rule. Also provide procedures to ensure that the language addressing retainage is included in the agreements with subcontractors. Procedures should include specifics as to how subrecipients will be monitored for compliance with this requirement.	11-1-10
9. Certification Standards	26.67	ND			
10. Certification Procedures	26.83	ND			

Requirement of 49 CFR Part 26	Ref.	Site visit Finding	Description of Deficiencies	Corrective Action(s)	Response Days/Date
11. Record Keeping and Enforcements A) Bidders List	26.11	D	Collection of data	Provide procedures and timeline for compiling a bidders list that can be used as more refined data in the annual goal-setting process.	11-1-10
B) Monitoring	26.37, 26.55	D	Contracts not reviewed for clauses, scopes of work and subcontracting by DBEs Monitoring of subrecipients	Procedures for improving monitoring efforts of work committed to DBEs. Should address the review of the agreements between prime contractors and DBE subcontractors; verification of scopes of work identified for the DBE to perform; determination if DBEs are subcontracting work to non-DBEs; and inclusion of required contract language. Provide procedures for monitoring subrecipients' compliance with the DBE regulations.	11-1-10
C) Reporting to DOT	26.11	ND			
12. Public Participation and Outreach	26.45	D	Evidence of consultation process not provided	Provide evidence of consultative process to be conducted before the conclusion of goal-setting process.	Closed prior to issuance of final report

Findings at the time of the site visit: ND = No deficiencies found; D = Deficiency; NA = Not Applicable; NR = Not Reviewed; AC = Advisory Comment

SECTION 8 - LIST OF ATTENDEES

Name	Organization	Title	Phone	Email
City of Phoenix:				
Trevor Bui	COP – EOD (*)	Program Coordinator: Contract Compliance	602-262-6690	Trevor.Bui@Phoenix.gov
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Paula Barocas	COP – PTD	Equal Opportunity Specialist	602-534-2101	Paula.Barocas@phoenix.gov
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Metro Rail:				
Melissa Boyles	Metro Transit Light Rail Division	DBE Program Manager	602-322-4421	MBoyles@Metrolightrail.org
Michael Ladino	Metro Rail	General Counsel	602-744-5599	mladino@Metrolightrail.org
Primes/DBEs:				
Sergio Calderon, Jr.	SC Legacy Contracting, LLC	Vice President /General Manager	623-536-6611	Sergio@sclegacycontracting.com
Peter Tamasiunas	PFG Construction	Project Manager	623-780-2929	Petet@pfgconstruction.com
Marie Torres	MRM Construction Services, Inc.	President/CEO	602-340-0378	Marie@mrmcs.net
Michael Nielson	Sundt/Stacy & Witbeck, Inc. JV	Sr. Program Administrator	602-283-8077	mlnielson@sundt.com
Interested Parties:				
Martin Alvarez, Sr.	Sun Eagle Corp. Associated Minority Contractors of America-Phoenix Chapter	CEO Board Member	480-961-0004	mealvarezsr@suneaglecorporation.com

Alika Kumar	Arizona Minority Business Enterprise Center	Director	602-294-6087	alidak@azhcc.com
FTA via TeleConference:				
Derrin Jourdan	FTA Region IX	Civil Rights Officer		Derrin.Jourdan@dot.gov
Milligan & Co LLC:				
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