

DBE REPORTING AND RECORD KEEPING REQUIREMENTS

Once a Bidder/Proposer has been awarded a Contract, there are continuing obligations under the DBE Program. The City shall verify the veracity and accuracy of representations made by contractors as well as to ensure their compliance with these requirements. Failure by the Contractor to comply with these requirements will result in the remedies mentioned in Section IX of these provisions. These procedures will include, but not be limited to, the following:

1. The Contractor shall submit a signed contract for each subcontractor the Contractor uses in relation to this contract. The subcontract must show that the non-discrimination, retainage, and prompt payment assurances (mentioned in Section VIII of this provisions) have been included. The Contractor should highlight the areas where these assurances are mentioned in each agreement. The contract(s) should be submitted before the said subcontractor starts doing work for this contract.

NOTE: These subcontracts might be considered public records. You may redact all financial information before submitting to the City, as this information is not relevant to our review.

2. The Contractor shall submit DBE Form 6 (Payment Affidavit) once a month with its request for payment from the City.
3. The City will monitor the progress of DBE work through on-site visits, communication with the DBEs, and review reports regarding employment as well as DBE participation.
The City may, in its sole discretion, perform 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 state in the schedule of DBE participation.
4. Any alterations, substitutions, deletions, etc. to data provided to the City must have prior approval of the DBELO.
5. The Contractor shall bring to the attention of the DBELO any situation in which regularly scheduled progress payments are not made to DBE subcontractors.
6. The City 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 or USDOT. This reporting requirement also extends to any certified DBE subcontractor.
7. The City requires prime Contractors to make good faith efforts to replace a DBE participant that is unable to perform successfully, with another DBE. The Contractor shall not terminate, replace or reduce the scope of work of a DBE subcontractor listed on the contract without the DBELO's prior consent. To terminate, replace or reduce the scope of work of a DBE subcontractor, the Contractor must follow the procedure stated in Section 26.53(f): Good Faith Efforts When a DBE is terminated/replaced on a contract of the DBE Program.