

ARIZONA UNIFIED CERTIFICATION PROGRAM

The Arizona Unified Certification Program (AZUCP) comprises three (3) Arizona certifying agencies that include the Arizona Department of Transportation (ADOT), the City of Phoenix, and the City of Tucson. The AZUCP will comply and enforce all requirements of 49 CFR Part 26 and 23.

AZUCP AGENCY JURISDICTIONS

- ADOT - Certifier to any firm outside of Maricopa and Pima Counties, and all firms applying for Interstate DBE Certification.
- City of Phoenix - Certifier to any firm within Maricopa County, and all firms applying for ACDBE Certification.
- City of Tucson - Certifier to any firm within Pima County.

AZUCP partners agree to provide inter-agency support in processing DBE certification applications. The AZUCP agency will endeavor to make decisions on applications for DBE certification within 90 days of receiving from the applicant firm all information required as described by 49 CFR Part 26. The time limit for decision may be extended once, for no more than an additional 30 days upon written notice to the firm, explaining fully and specifically the reasons for the extension, as per 49 CFR 26.83(l)(i). AZUCP partners will support each other as necessary to expedite applications to meet business needs. ADOT and its AZUCP Partner agencies' failure to render a decision by the applicable deadline under this paragraph is deemed a constructive denial of the application, on the basis of which the firm may appeal to the United States Department of Transportation (USDOT) under 49 CFR Part 26.89.

It is recognized that business disruptions within an agency may occur or factors negatively impacting operations on a community-wide level in which a firm may seek certification on an expedited basis. Each partner agency will determine criteria to determine if support from partner agencies is in the best interests of the AZUCP as a whole to maintain the highest level of customer service. Each Certifier may choose to expedite applications based on business needs.

Any firm that may need to have a certification application expedited will be reviewed on a case by case basis by the Certifier. In the event an AZUCP partner may not meet the goal of 90 days, the AZUCP partner has the option to request inter-agency support to help process the DBE certification application when it is 60 days from the date received. AZUCP partners are encouraged to seek out, as well as provide support to partners experiencing such disruptions, in the interest of maintaining the highest level of customer service to firms. The

certification manager for each partner agency will monitor the need for support and manage the transfer of records necessary to meet the need.

The AZUCP Certifier will advise each applicant within 30 business days from the receipt of the application whether the application is complete and suitable for evaluation and, if not, what additional information or action is required.

All AZUCP partners will submit a report to ADOT by the 5th day of each month to include newly certified firms, newly decertified or denied firms and firms who have withdrawn from the program during the previous month. ADOT will prepare a combined monthly report and distribute it to each AZUCP partner agency.

NEW DBE APPLICATION PROCESS

In accordance with 49 CFR Part 26, each AZUCP partner agency will conduct a thorough review of all submitted applications.

Applications for DBE certification will be processed by only one AZUCP agency (known as the "Certifier"). The online DBE application system decision tree will advise applicants which certifying agency the application will be submitted to based on the geographical location of the firm and if they are applying for DBE, ACDBE or both certifications. If the initial receiving agency processes an application for a firm outside of their typical jurisdiction in error, the agency will advise the correct partner agency and transfer the record in its entirety.

When applicants complete their application, the DOORS/B2GNow DBE interactive application process guides applicants through completion of all mandatory information and supporting documents prior to submission. Once an application is submitted the Certifier will follow the process below:

- A cursory review of the application will be conducted
- If the cursory review affirms that evidence supporting the basic eligibility criteria for certification under 49 CFR Parts 26 and/or Part 23 are met, the Certifier will officially receive the application and conduct a detailed review for eligibility determination as follows
- Review the entire record and compile a list of questions, if any, for the Socially Economically Disadvantaged Owner (SEDO)
- Contact the SEDO to resolve questions or concerns and complete the detailed review
- Conduct an in person or virtual on-site review (OSR) with the SEDO/s and all key personnel. A complete written report and an audio recording of the OSR must be maintained with the certification record

- For interstate applications the Certifier will verify active certification in the firm's Jurisdiction of Original Certification (JOC.) The Certifier will also check the USDOT Denial Database to determine if the firm was previously decertified or denied

The Certifier completes a thorough review of the application and makes a certification determination. If certification is granted, the firm will receive the following:

- Automated notification of approval
- Welcome letter inviting the firm to participate in the DBE Supportive Services program
- The firm will be listed as a DBE/ACDBE certified firm in the DBE directory located in the AZUTRACS Transportation Business Portal at utracs.azdot.gov

EXPANSION REQUESTS - CERTIFIED FIRMS

A certified firm can request additional NAICS Code(s) at any time after certification. To request an additional NAICS code or a removal of an existing code the SEDO must submit an expansion application and supporting documents online through the DBE System.

DECISION LETTERS

When a Certifier denies a firm's request for certification or decertifies the firm, the Certifier must provide the firm a Notice of Decision (NOD) explaining the reasons for the decision, specifically referencing the evidence in the record that supports each reason.

In addition the Certifier must:

- Include the instructions for filing an appeal found on the USDOT Departmental Office of Civil Rights' web page, available at <https://www.transportation.gov/dbeappeal>. An appeal does not extend the waiting period.
- Provide copies of all documents and other information on which it based the denial if the applicant requests them
- Establish a waiting period for reapplication of no more than 12 months. That period begins to run the day after the date of the decision letter is emailed. After the waiting period expires, the denied firm may reapply to any member of the AZUCP that denied the application. The Certifier must inform the applicant of that right, and specify the date the waiting period ends, in its decision letter.

DECERTIFICATION PROCESS (49 CFR PART 26.87)

The Certifier bears the burden of proving, by a preponderance of the evidence, that the DBE does not meet the certification standards of this part. A firm's decertification proceeding may be initiated either directly by the Certifier or at the direction of an Operating Administration (OA) which may be the Federal Highway Administration (FHWA), FAA (Federal Aviation Administration) or FTA (Federal Transit Administration).

If an OA determines that there is reasonable cause to believe that a DBE does not meet the eligibility criteria of this part, the OA may direct the Certifier to initiate a proceeding to remove the DBE's certification. The Certifier must then immediately commence a proceeding to decertify the DBE.

Any person may file a written complaint specifically explaining why the Certifier should decertify a DBE. The Certifier need not act on a general allegation or an anonymous complaint. The Certifier must keep complainants' identities confidential and respond as follows:

- The Certifier must review its records concerning the DBE, any material the DBE and/or complainant provides, and any other available information.
- The Certifier may request additional information from the DBE or conduct any other investigation that it deems necessary.
- If the Certifier determines that there is reasonable cause to decertify the DBE, it initiates a decertification proceeding. If it determines that there is not reasonable cause, it notifies the complainant and the DBE in writing of its decisions and the reasons for it.
- When a determination has been made to remove a DBE firm's existing certification, a Notice of Intent (NOI) will be sent to the firm. The notice is to be sent electronically and must cite the reasons for removal and provide the firm with information on the process to dispute the decision.
- The NOI must notify the DBE of its right to respond in writing, at an informal hearing, or both. If the DBE wishes, they may submit a written response rebutting the reasons stated in the NOI. If appropriate the OA and any other person initiating the complaint must also receive a copy of the NOI.
- The NOI must inform the DBE of the hearing to be scheduled on a date no fewer than 30 days and no more than 45 days from the date of the NOI. If the DBE wants a hearing, it must email the Certifier within 10 days of the NOI or the opportunity for a hearing is lost. The date can be negotiated for the convenience of the DBE or agency.
- If the DBE firm elects not to respond, the Certifier will send an electronic NOD to the DBE firm notifying the business owner that the firm's certification has been removed, and an NOD will also be sent to the OA and other party involved. In accordance with 49 CFR, Part 26, 26.87 the notice will include the instructions for appealing the decision to the USDOT, available at <https://www.transportation.gov/dbeappeal>.
- If the ground for decertification is that the DBE has been suspended or debarred for conduct related to the DBE program, the Certifier issues a NOD decertifying the DBE. In this case, there is no NOI or opportunity for a hearing or written response
- AZUCP partner agencies will establish a waiting period of 12 months for reapplication, and notify the denied firm of that date. After the waiting period expires the denied firm may reapply.

§ 26.87 Decertification. The Certifier must make an entry in DOCR's Online Portal within 5 days of the action. The Certifier must enter the name of the firm, names(s) of the firm's owner(s), date of decision, and the reason(s) for its decision. **ADOT is the only UCP agency that has the login to this portal.**

INFORMAL HEARING PROCESS

A DBE firm that has been issued an NOI may request an informal hearing from the Certifier to dispute the decision to remove eligibility by submitting an emailed response. The request must be made within 10 days from the date of the NOI. The hearing is an informal proceeding with rules set by the Hearing Officer. The SEDO's attorney, a non-SEDO, or other individuals involved with the DBE may attend the hearing and answer questions related to their own experience or more generally about the DBE's ownership, structure and operations. The Hearing Officer will be an individual who is knowledgeable about the certification requirements of the DBE program and will be selected in the following order:

1. DBE Certification Managers from other source agencies
2. Former DBE Certification Program Managers from AZUCP partner agencies or other public agencies that are knowledgeable about the DBE program and are not subject to the direction of the office that took part in making certification decisions
3. State of Arizona Hearing Officers secured externally by contract, who are knowledgeable about the DBE program

If the DBE firm chooses to present information and arguments in writing without attending a hearing, the Certifier will transmit the relevant documents to the Hearing Officer. The Hearing Officer may request additional relevant information from ADOT or the AZUCP Partner agency or the firm, will review all information submitted and consider all relevant factors in rendering a decision.

The Certifier must maintain a complete audio recording of the hearing. If the DBE appeals to USDOT under 26.89, the Certifier must provide the informal hearing record to USDOT and to the DBE.

The Certifier must maintain separation of functions to ensure that the decision in a decertification case is made by an individual who did not take part in actions leading to or implementing the proposal to decertify the DBE and is not subject, with respect to the matter, to direction from the office or personnel who did take part in these actions.

The AZUCP's method of implementing the requirement to offer an informal hearing will be made part of the DBE program plan and will be approved by the appropriate OA. The decision maker must be an individual who is knowledgeable about the certification requirements of this part.

If the DBE firm requests an informal hearing by email, the Certifier will designate a Hearing Officer within 7 days of receipt of request from the firm. The Certifier will notify the firm of the Hearing Officer's contact information. The firm's record will be made available to the Hearing Officer via the online DBE system. To ensure impartiality of the Hearing Officer, once an informal hearing request has been received no discussion of the firm or the circumstances of removal will take place between partner agencies. If previous discussion of the SEDO has taken place between partner agencies, the Hearing Officer cannot be affiliated with either agency and must be selected from one of the other groups identified below. The Hearing Officer must not be subject to direction from the office or personnel who took part in the decertification decision.

The AZUCP partner agency bears the burden of proving to the Hearing Officer by a preponderance of the evidence that the firm does not meet DBE certification standards. When a request for an informal hearing by telephone or in person is received from a firm, the Certifier will use the procedures below to conduct an Informal Hearing:

- The AZUCP partner agency will work with the firm and Hearing Officer to determine a mutually acceptable mode (virtual or in-person), date, and time for the Informal Hearing.
- The Certifier will provide a "Notice of Hearing" to the firm and Hearing Officer to include:
 - Date, time and mode/location for hearing
 - Copy of the NOI
 - The evidence the agency used to make the decision
 - The firm's response/rebuttal letter with reasons as to why it should remain certified

The Hearing date will be at least 20 days after the date of the "Notice of Hearing" letter unless the DBE firm requests an earlier date.

An attorney may represent the firm at the hearing. The firm must notify the Certifier in its written request for an Informal Hearing if it will be represented by an attorney. The Certifier reserves the right to be represented in the Informal Hearing by its own legal counsel whether the DBE firm is or is not represented by an attorney.

Agency staff will attend the hearing proceedings, in- person or virtually, to present the evidence supporting the removal of the firm's DBE certification. The DBE firm must attend, in- person or virtually, to provide information and arguments concerning why it should remain certified.

The Hearing Officer will preside over the hearing. During the hearing, the Certifier shall present its case and evidence for decertification, followed by the DBE firm. The DBE firm may submit relevant documentation that supports their case for certification and provides information contrary to the decision. This information becomes part of the record. New information may be submitted by the DBE firm that was not available at the time the decision to decertify was made, and may be part of the record but cannot be used by the Hearing Officer in the decision making process.

The evidence and arguments provided by the Certifier and the DBE firm must focus only on the facts relevant to the stated reason(s) for decertification.

Both parties will be provided the opportunity for a rebuttal/closing statement, the Certifier will present its closing statement last since it has the burden of proving, by preponderance of the evidence, why the firm no longer meets the certification standards in the DBE regulations. Informal hearings will generally last no more than a few hours to one day depending on the complexity of the issues. The Hearing Officer will review all information presented and consider all relevant factors in rendering a decision.

The hearing will be recorded. If the firm chooses to appeal to USDOT. an audio recording will be provided to USDOT. The recording will also be provided to the firm upon request. The firm shall maintain its DBE certification status until the informal hearing process is concluded. The firm does not become ineligible until a Hearing Notice of Decision (NOD) is issued.

If the DBE firm elects not to respond and does not present information and arguments in writing to dispute the decision to remove its eligibility within the 10 day timeframe, the Certifier will send a NOD by certified mail and an email to the DBE firm notifying the SEDO that the firm's certification has been removed.

DECLARATION OF ELIGIBILITY SUBMITTAL

On the annual anniversary date of a firm's original certification in their jurisdiction (JOC) the AZUCP will require all certified DBE firms to submit a Declaration of Eligibility (DOE) including:

- A new DOE form signed by the firms SEDO/s
- Documentation of its gross receipts for its most recently completed fiscal year, calculated on a cash basis. The following documents may generally be considered "safe harbors," provided that they include all reportable receipts, properly calculated, for the full reporting period: audited financial statements, a CPA's signed attestation of correctness and completeness, or all income-related portions of one or more (when there are affiliates) signed federal income tax returns as filed. Non-compliance, whether full or partial, is a § 26.109(c) failure to cooperate with program requirements.
- For interstate certified firms, the DOE will be due on the JOC anniversary date.

If the DBE firm fails to submit its DOE and gross receipts documentation by the due date specified by the Certifier, the agency may either send an Notice of Intent (NOI) notifying the firm that the agency intends to remove their certification within 14 days of the date of the letter; OR may elect to suspend the firm's certification. Whether the Certifier elects to send an NOI or Summary Suspension Notice (SSN) to the DBE, the NOI must explain the reason for the action, and the consequences. A SSN must ask the DBE to show cause why it should remain certified and advise that documents can be submitted and/or a virtual hearing will be held at a stated time between 15 and 25 days from the date of the notice. Within 30 days of the SSN the Certifier must issue a Notice of Decision (NOD) to either remove the DBE's certification or lift the suspension. The DBE may appeal the decision to remove but may not appeal the suspension itself. The Certifier will provide information regarding the appeal process. Summary suspension may be applied only one time in a 12 month period.

WITHDRAWAL PROCESS

A firm may choose to withdraw its application or its active certification from the DBE program at any time by providing notice to the Certifier. The withdrawal will be effective as of the date of the request to withdraw. Firms will receive an electronic notification when their certification status has been updated.

SUMMARY SUSPENSION

Summary suspension is an extraordinary remedy for lapses in compliance that cannot reasonably or adequately be resolved in a timely manner by other means. A firm's certification is suspended under this part as soon as the Certifier transmits electronic notice to its owner at the last known email address.

During the suspension period, the DBE's participation may not be considered towards contract or participation goal on any contracts executed during the suspension period.

There are two types of summary suspensions that can be imposed:

- Elective: the Certifier may elect to suspend summarily if it has clear and credible evidence that the DBE's continued certification poses a substantial threat to program integrity
- Mandatory: the Certifier must summarily suspend a DBE's certification when the Certifier has clear and credible evidence of the DBE's or its SEDO's involvement in fraud or other serious criminal activity, or if the OA with oversight so directs.

The Certifier must notify the firm, by email, of its summary suspension notice (SSN) on a business day during regular business hours. The SSN must explain the action, the reason for it, the consequences, and the evidence on which the Certifier relies according to the following:

- Elective SSNs may not cite more than one reason for the action.
- Mandatory SSNs may state multiple reasons.

- The SSN, regardless of type, must demand that the DBE show cause why it should remain certified and provide the time and date of a virtual show-cause hearing at which the firm may present information and arguments concerning why the Certifier should lift the suspension. The SSN must also advise that the DBE may provide written information and arguments in lieu of or in addition to attending the hearing.
- Hearing: The hearing date must be a business day that is at least 15 but not more than 25 days after the date of the notice. The DBE may respond in writing in lieu of or in addition to attending the hearing; however, it will have waived its right to a hearing if it does not confirm its attendance within 10 days of the notice and will have forfeited its certification if it does not acknowledge the notice within 15 days. The show-cause hearing must be conducted as a video conference on a standard commercial platform that the DBE may readily access at no cost.
- Response: The DBE may provide information and arguments concerning its continuing eligibility until the 15th day following the suspension notice or the day of the hearing, if any, whichever is later. The DBE must email any written response it provides. Email submissions correctly addressed are effective when sent. The Certifier may permit additional submissions after the hearing, as long as the extension ends on a business day that is not more than 30 days after the notice.

Scope and burdens:

- Suspension proceedings are limited to the suspension ground specified in the notice.
- The Certifier may not amend its reason(s) for summarily suspending certification, nor may elect to suspend the firm again during the 12-month period following the notice.
- The DBE has the burden of producing information and/or making arguments concerning its continued eligibility, but it need only contest the reason cited.
- The Certifier has the burden of proving its case by a preponderance of the evidence. It must issue an NOD within 30 days of the suspension notice or lift the suspension. Any NOD must rely only on the reason given in the summary suspension notice.
- The DBE's failure to provide information contesting the suspension does not impair the Certifier's ability to prove its case. That is, the uncontested evidence upon which the Certifier relies in its notice, if substantial, will constitute a preponderance of the evidence for purposes of the NOD.
- The DBE remains suspended during the proceedings described in this section but in no case for more than 30 days. If the Certifier has not lifted the suspension or provided a rule-compliant NOD by 4:30 p.m. on the 30th day, then it must lift the suspension and amend applicable DBE lists and databases by 12 p.m. the following business day.

Recourse:

- Appeal: The DBE may appeal a final decision under paragraph (d)(4)(iv), of this section, as provided in § 26.89(a), but may not appeal the suspension itself, unless paragraph (e)(2) of this section applies.

Enforcement:

- The DBE may immediately petition the USDOT for an order to vacate a Certifier's action if the Certifier sends a second elective SSN within 12 months, or cites multiple reasons in an elective SSN contrary to the requirements as listed above.
- The DBE may also petition to the USDOT for an order to compel if the Certifier fails to act within 30 days.
- In either case, the DBE must email the petition request under the subject line, "REQUEST FOR ENFORCEMENT ORDER" in all caps. The request must be limited to a one-page explanation that includes:
 - The Certifier's name and the suspension dates;
 - Contact information for the Certifier, the DBE, and the DBE's SEDO/s;
 - The general nature and date of the firm's response, if any, to the second suspension notice; and
 - The second suspension notice

APPEALS TO USDOT

Applicants and decertified firms may appeal adverse NODs to USDOT.

An ineligibility complainant or applicable OA (the latter by the terms of § 26.87(c)) may also appeal to USDOT if the Certifier does not find reasonable cause to issue an NOI to decertify or determines that the DBE remains eligible.

All appeals must be emailed as directed in the Certifier's decision letter within 45 days of the date of the letter. The appeal must at a minimum include a narrative that explains fully and specifically why the firm believes the decision is in error, what pertinent facts the Certifier did not consider, and/or what part 26 provisions the Certifier misapplied.

The Certifier's decision remains in effect until USDOT resolves the appeal or the Certifier reverses itself.

When USDOT receives an appeal, it requests a copy of the Certifier's complete administrative record including a video, audio, or transcript of any hearing, which the Certifier must provide within 20 days of the Department's request. The Department may extend this time period when the Certifier demonstrates good cause. The Certifier must ensure that the administrative record is well organized, indexed, and paginated and the Certifier must provide the appellant a copy of any supplemental information it provides to USDOT.

- USDOT may accept an untimely or incomplete appeal if it determines, in its sole discretion, that doing so is in the interest of justice.
- USDOT may dismiss non-compliant or frivolous appeals without further proceedings.
- USDOT will avail itself of whatever remedies for noncompliance it considers appropriate.

- USDOT decides only the issue(s) presented on appeal. It does not conduct a new review of the matter, assess all eligibility requirements, or hold hearings. It considers the administrative record and any additional information that it considers relevant.

In responding to the appeal USDOT will take one of the following actions:

- Affirm the Certifier's decision if it determines that the decision is consistent with applicable rules and supported by substantial evidence.
- Reverse decisions that do not meet the standard in paragraph (f)(1) of this section. USDOT need not reverse if an error or omission did not result in fundamental unfairness.
- Remand the case with instructions for further action. When USDOT specifies further actions, the Certifier must take them without delay.

USDOT generally does not uphold the Certifier's decision based on grounds not specified in its decision, and resolves appeals on the basis of facts demonstrated, and evidence presented, at the time of the Certifier's decision.

USDOT may summarily dismiss an appeal. Reasons for doing so include, but are not limited to, non-compliance, abuse of process, appellant or Certifier request, and failure to state a claim upon which relief can be granted.

All decisions of this section are administratively final unless they say otherwise. Final decisions of appeals are posted to the USDOT website, available at <https://www.transportation.gov/DBEDecisions>.

ACTIONS THE AZUCP WILL TAKE FOLLOWING USDOT CERTIFICATION APPEAL DECISIONS

The USDOT decision on an appeal is binding on the Certifier that issued the NOD on which the appeal is based. Certifiers to which a USDOT determination is applicable must take the following actions as required:

- If USDOT upholds the Certifier's decision, no further action is required.
- If USDOT determines that a Certifier erroneously certified a firm, the Certifier must remove the firm's eligibility on receipt of the determination, without further proceedings.
- If USDOT determines that a Certifier erroneously failed to decertify a firm, the Certifier must commence a proceeding to determine whether the firm should be decertified.
- If USDOT determines that a Certifier erroneously denied or decertified the firm, the Certifier must certify the firm, effective on the date of receipt of the written notice of USDOT's determination.
- If USDOT determines that the presumption of social and economic disadvantage was either erroneously rebutted or erroneously presumed, appropriate corrective action will be determined by the USDOT.

Where USDOT has upheld a Certifier's denial of certification to or removal of eligibility from a firm, or directed the removal of a firm's eligibility, other Certifiers with whom the firm is certified may commence a proceeding to remove the firm's eligibility and may not remove the firm's eligibility absent such a proceeding. Where USDOT has reversed a denial of certification to or removal of eligibility from a firm, other Certifiers must take the USDOT action into account in any certification action involving the firm. However, other Certifiers are not required to certify the firm based on the USDOT decision.

AZUCP PARTNERSHIP MEETINGS

Certification Managers and staff as appropriate from each AZUCP partner agency will meet no less than three times each year, or more often as needed, to collaborate on certification issues, discuss the progress of the AZUCP, operating procedures, website management, support needs and regulations.

The three agencies will take turns hosting and coordinating the meetings, whether virtually or in-person as the UCP determines. The host agency will prepare the agendas, meeting minutes and chair the meetings.

If an AZUCP partner requests an additional meeting to discuss a complex file or other certification issue, a meeting may be scheduled with the agreement of all partners. AZUCP partners agree to provide inter-agency support in processing DBE certification applications.

The meetings should be scheduled at least two weeks prior to the meeting date. Emergency meetings are not required to meet these criteria.

All partners are to be represented at any AZUCP meeting.

AZUCP PARTNERSHIP TRAININGS

All AZUCP Partners and staff are strongly encouraged to attend scheduled USDOT and AZUCP training, as applicable, to ensure that staff administering the DBE program are adequately trained in certification standards and processes. Ad-hoc training may be scheduled to address new regulatory guidance related to 49 CFR Part 26 and/or Part 23. All training will be conducted by a person knowledgeable in the area of study.

DIRECTORY MAINTENANCE

The AZUCP DBE directory is located at <https://utracs.azdot.gov>. The website will be maintained by ADOT. The B2GNow platform utilized by all AZUCP agencies populates the directory information and is updated daily. The AZUCP DBE directory shall include, at a minimum, the following information:

- Firm name
- Owner's name

- Firm address
- Firm phone number
- Firm fax number
- E- mail address
- Website
- All applicable NAICS codes

DISADVANTAGED BUSINESS ENTERPRISE PROGRAM AZUCP OPERATING PROCEDURES

SIGNATURE PAGE

Florentina Samartinean
ADOT

Date

Signed by:

Donald Logan

A859E8E6E867418

Donald Logan
City of Phoenix

12/13/2024

Date

Signed by:

Lloyd Windle

1DC974D2E15A48E...

Lloyd Windle
City of Tucson

11/21/2024

Date

Certificate Of Completion

Envelope Id: CA3C088078A6489D97187C13BE36036B

Status: Sent

Subject: Complete with DocuSign: AZUCP Agreemen
24.pdf Source Envelope:

Document Pages: 12

Signatures: 1

Envelope Originator:

Certificate Pages: 5

Initials: 0

JoAnna Broady

AutoNav: Enabled

206 S 17th Ave

Envelope Stamping: Enabled

Phoenix, AZ 85007

Time Zone: (UTC-07:00) Arizona

JBroadly@azdot.gov

IP Address: 38.18.71.84

Record Tracking

Status: Original

Holder: JoAnna Broady

Location: DocuSign

11/21/2024 7:37:09 AM

JBroadly@azdot.gov

Signer Events

Signature

Timestamp

Lloyd Windle

lloyd.windle@tucsonaz.gov

Security Level: Email, Account Authentication
(None)

Signed by:

1DC974D2E15A48E...

Sent: 11/21/2024 7:45:33 AM

Viewed: 11/21/2024 1:01:03 PM

Signed: 11/21/2024 1:05:33 PM

Signature Adoption: Pre-selected Style

Using IP Address: 166.89.97.12

Sent: 11/21/2024 1:05:35 PM

Resent: 11/29/2024 8:07:43 AM

Viewed: 12/2/2024 7:15:47 AM

Electronic Record and Signature Disclosure:

Accepted: 11/21/2024 1:01:03 PM

ID: 17e615f1-983c-4f32-8e17-7be517534e20

Donald Logan

donald.logan@phoenix.gov

Security Level: Email, Account Authentication
(None)

Electronic Record and Signature Disclosure:

Accepted: 11/21/2024 6:00:40 PM

ID: ec921e49-001b-434b-84c5-b9cad2862ed8

Florentina Samartinean

fsamartinean@azdot.gov

Security Level: Email, Account Authentication
(None)

Electronic Record and Signature Disclosure:

Accepted: 11/22/2024 12:58:30 PM

ID: 4c1bb01d-5745-41ae-b85e-bb1e9b9e8bd0

In Person Signer Events

Signature

Timestamp

Editor Delivery Events

Status

Timestamp

Agent Delivery Events	Status	Timestamp
-----------------------	--------	-----------

Intermediary Delivery Events	Status	Timestamp
------------------------------	--------	-----------

Certified Delivery Events	Status	Timestamp
---------------------------	--------	-----------

Carbon Copy Events	Status	Timestamp
--------------------	--------	-----------

Aimee Barrett
ABarrett@azdot.gov
Security Level: Email, Account Authentication (None)

Carbon Copy Events	Status	Timestamp
--------------------	--------	-----------

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Diane NyDick-Lester
DNLester@azdot.gov
Security Level: Email, Account Authentication (None)

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Francesca Martin
FMartin2@azdot.gov
Security Level: Email, Account Authentication (None)

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Valerie Churchwell
valerie.churchwell@phoenix.gov
Security Level: Email, Account Authentication (None)

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Witness Events	Signature	Timestamp
----------------	-----------	-----------

Notary Events	Signature	Timestamp
---------------	-----------	-----------

Envelope Summary Events	Status	Timestamps
-------------------------	--------	------------

Envelope Sent	Hashed/Encrypted	11/21/2024 7:45:33 AM
---------------	------------------	-----------------------

Payment Events	Status	Timestamps
----------------	--------	------------

Electronic Record and Signature Disclosure

Electronic Record and Signature Disclosure created on: 9/27/2016 10:03:17 AM
Parties agreed to: Lloyd Windle, Donald Logan, Florentina Samartinean

ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

From time to time, Arizona Dept of Transportation (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through your DocuSign, Inc. (DocuSign) Express user account. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to these terms and conditions, please confirm your agreement by clicking the 'I agree' button at the bottom of this document.

Getting paper copies

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. For such copies, as long as you are an authorized user of the DocuSign system you will have the ability to download and print any documents we send to you through your DocuSign user account for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

Withdrawing your consent

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. To indicate to us that you are changing your mind, you must withdraw your consent using the DocuSign 'Withdraw Consent' form on the signing page of your DocuSign account. This will indicate to us that you have withdrawn your consent to receive required notices and disclosures electronically from us and you will no longer be able to use your DocuSign Express user account to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through your DocuSign user account all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required

notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact Arizona Dept of Transportation:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To advise Arizona Dept of Transportation of your new e-mail address

To let us know of a change in your e-mail address where we should send notices and disclosures electronically to you, you must send an email message to us at DocuSignRequest@azdot.gov and in the body of such request you must state: your previous e-mail address, your new e-mail address. We do not require any other information from you to change your email address.. In addition, you must notify DocuSign, Inc to arrange for your new email address to be reflected in your DocuSign account by following the process for changing e-mail in DocuSign.

To request paper copies from Arizona Dept of Transportation

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an e-mail to DocuSignRequest@azdot.gov and in the body of such request you must state your e-mail address, full name, US Postal address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with Arizona Dept of Transportation

To inform us that you no longer want to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your DocuSign account, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an e-mail to DocuSignRequest@azdot.gov and in the body of such request you must state your e-mail, full name, IS Postal Address, telephone number, and account number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

Operating Systems:	Windows2000? or WindowsXP?
Browsers (for SENDERS):	Internet Explorer 6.0? or above
Browsers (for SIGNERS):	Internet Explorer 6.0?, Mozilla FireFox 1.0, NetScape 7.2 (or above)
Email:	Access to a valid email account
Screen Resolution:	800 x 600 minimum

Enabled Security Settings:	<ul style="list-style-type: none">•Allow per session cookies•Users accessing the internet behind a Proxy Server must enable HTTP 1.1 settings via proxy connection
----------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

** These minimum requirements are subject to change. If these requirements change, we will provide you with an email message at the email address we have on file for you at that time providing you with the revised hardware and software requirements, at which time you will have the right to withdraw your consent.

Acknowledging your access and consent to receive materials electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please verify that you were able to read this electronic disclosure and that you also were able to print on paper or electronically save this page for your future reference and access or that you were able to e-mail this disclosure and consent to an address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format on the terms and conditions described above, please let us know by clicking the 'I agree' button below. By checking the 'I Agree' box, I confirm that:

- I can access and read this Electronic CONSENT TO ELECTRONIC RECEIPT OF ELECTRONIC RECORD AND SIGNATURE DISCLOSURES document; and
- I can print on paper the disclosure or save or send the disclosure to a place where I can print it, for future reference and access; and
- Until or unless I notify Arizona Dept of Transportation as described above, I consent to receive from exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to me by Arizona Dept of Transportation during the course of my relationship with you.

Certificate Of Completion

Envelope Id: 56E596273A1F4A65A1E268337A1CAFB4
 Subject: Complete with Docusign: AZUCP_12_09_24.docx
 Source Envelope:
 Document Pages: 18
 Certificate Pages: 5
 AutoNav: Enabled
 Envelopeld Stamping: Enabled
 Time Zone: (UTC-07:00) Arizona

Status: Delivered

 Envelope Originator:
 JoAnna Broady
 206 S 17th Ave
 Phoenix, AZ 85007
 JBroadly@azdot.gov
 IP Address: 38.18.71.84

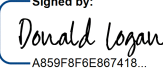
Record Tracking

Status: Original
 12/9/2024 2:48:28 PM
 Holder: JoAnna Broady
 JBroadly@azdot.gov
 Location: DocuSign

Signer Events

Donald Logan
 donald.logan@phoenix.gov
 Security Level: Email, Account Authentication
 (None)

Signature

Signed by:

 A859F8F6E867418...

 Signature Adoption: Pre-selected Style
 Using IP Address: 163.116.139.113

Timestamp

Sent: 12/12/2024 3:54:59 PM
 Viewed: 12/13/2024 8:04:33 AM
 Signed: 12/13/2024 8:13:00 AM

Electronic Record and Signature Disclosure:

Accepted: 12/13/2024 8:04:33 AM
 ID: 6e56c01c-7da9-4795-8208-e3764c4b908c

Florentina Samartinean
 fsamartinean@azdot.gov
 Administrator EBD
 ADOT
 Security Level: Email, Account Authentication
 (None)

Sent: 12/12/2024 4:03:31 PM
 Viewed: 12/12/2024 4:13:53 PM

Electronic Record and Signature Disclosure:

Accepted: 12/12/2024 4:13:53 PM
 ID: 35f15d6d-6175-4844-a647-5472556d8ed5

In Person Signer Events	Signature	Timestamp
Editor Delivery Events	Status	Timestamp
Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp
Carbon Copy Events	Status	Timestamp

Lloyd Windle
 lloyd.windle@tucsonaz.gov
 Security Level: Email, Account Authentication
 (None)

COPIED

Sent: 12/9/2024 2:52:51 PM
 Resent: 12/11/2024 1:00:15 PM
 Resent: 12/12/2024 3:25:09 PM
 Resent: 12/12/2024 3:54:58 PM

Electronic Record and Signature Disclosure:

Accepted: 12/9/2024 2:55:27 PM
 ID: 916ef762-1178-4cd5-a3c8-3ed9d2e372a0

Carbon Copy Events	Status	Timestamp
<p>Aimee Barrett ABarrett@azdot.gov Assistant Administrator ADOT Security Level: Email, Account Authentication (None)</p> <p>Electronic Record and Signature Disclosure: Not Offered via DocuSign</p>	<div style="border: 2px solid blue; padding: 5px; display: inline-block;">COPIED</div>	<p>Sent: 12/12/2024 4:03:31 PM Viewed: 12/12/2024 4:21:02 PM</p>
<p>Francesca Martin FMartin2@azdot.gov ADOT Security Level: Email, Account Authentication (None)</p> <p>Electronic Record and Signature Disclosure: Not Offered via DocuSign</p>	<div style="border: 2px solid blue; padding: 5px; display: inline-block;">COPIED</div>	<p>Sent: 12/12/2024 4:03:32 PM Viewed: 12/12/2024 4:37:17 PM</p>
<p>Valerie Churchwell valerie.churchwell@phoenix.gov Security Level: Email, Account Authentication (None)</p> <p>Electronic Record and Signature Disclosure: Not Offered via DocuSign</p>	<div style="border: 2px solid blue; padding: 5px; display: inline-block;">COPIED</div>	<p>Sent: 12/12/2024 4:03:32 PM Viewed: 12/13/2024 12:40:09 PM</p>
Witness Events	Signature	Timestamp
Notary Events	Signature	Timestamp
Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	12/9/2024 2:52:51 PM
Envelope Updated	Security Checked	12/12/2024 3:54:58 PM
Envelope Updated	Security Checked	12/12/2024 4:03:30 PM
Envelope Updated	Security Checked	12/12/2024 4:03:30 PM
Envelope Updated	Security Checked	12/12/2024 4:03:30 PM
Envelope Updated	Security Checked	12/12/2024 4:03:30 PM
Certified Delivered	Security Checked	12/12/2024 4:13:53 PM
Payment Events	Status	Timestamps
Electronic Record and Signature Disclosure		

ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

From time to time, Arizona Dept of Transportation (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through your DocuSign, Inc. (DocuSign) Express user account. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to these terms and conditions, please confirm your agreement by clicking the 'I agree' button at the bottom of this document.

Getting paper copies

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. For such copies, as long as you are an authorized user of the DocuSign system you will have the ability to download and print any documents we send to you through your DocuSign user account for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

Withdrawing your consent

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. To indicate to us that you are changing your mind, you must withdraw your consent using the DocuSign 'Withdraw Consent' form on the signing page of your DocuSign account. This will indicate to us that you have withdrawn your consent to receive required notices and disclosures electronically from us and you will no longer be able to use your DocuSign Express user account to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through your DocuSign user account all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact Arizona Dept of Transportation:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To advise Arizona Dept of Transportation of your new e-mail address

To let us know of a change in your e-mail address where we should send notices and disclosures electronically to you, you must send an email message to us at DocuSignRequest@azdot.gov and in the body of such request you must state: your previous e-mail address, your new e-mail address. We do not require any other information from you to change your email address.. In addition, you must notify DocuSign, Inc to arrange for your new email address to be reflected in your DocuSign account by following the process for changing e-mail in DocuSign.

To request paper copies from Arizona Dept of Transportation

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an e-mail to DocuSignRequest@azdot.gov and in the body of such request you must state your e-mail address, full name, US Postal address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with Arizona Dept of Transportation

To inform us that you no longer want to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your DocuSign account, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an e-mail to DocuSignRequest@azdot.gov and in the body of such request you must state your e-mail, full name, IS Postal Address, telephone number, and account number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

Operating Systems:	Windows2000? or WindowsXP?
Browsers (for SENDERS):	Internet Explorer 6.0? or above
Browsers (for SIGNERS):	Internet Explorer 6.0?, Mozilla FireFox 1.0, NetScape 7.2 (or above)
Email:	Access to a valid email account
Screen Resolution:	800 x 600 minimum
Enabled Security Settings:	<ul style="list-style-type: none"> •Allow per session cookies •Users accessing the internet behind a Proxy Server must enable HTTP 1.1 settings via proxy connection

** These minimum requirements are subject to change. If these requirements change, we will provide you with an email message at the email address we have on file for you at that time providing you with the revised hardware and software requirements, at which time you will have the right to withdraw your consent.

Acknowledging your access and consent to receive materials electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please verify that you were able to read this electronic disclosure and that you also were able to print on paper or electronically save this page for your future reference and access or that you were able to e-mail this disclosure and consent to an address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format on the terms and conditions described above, please let us know by clicking the 'I agree' button below.

By checking the 'I Agree' box, I confirm that:

- I can access and read this Electronic CONSENT TO ELECTRONIC RECEIPT OF ELECTRONIC RECORD AND SIGNATURE DISCLOSURES document; and
- I can print on paper the disclosure or save or send the disclosure to a place where I can print it, for future reference and access; and
- Until or unless I notify Arizona Dept of Transportation as described above, I consent to receive from exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to me by Arizona Dept of Transportation during the course of my relationship with you.