

# M E M O R A N D U M



**SUBJECT:** Policy Memorandum No. 19-05,  
Prompt Payment Reporting Form  
for Disadvantaged Business  
Enterprise Program

**DATE:** November 1, 2019

**FROM:** PRMT – T. Suzette Moore

**TO:** All PRMT Personnel

**PURPOSE:**

This Policy Memorandum (PM) establishes new prompt payment forms for federally-assisted Disadvantaged Business Enterprise contracts and Small Business Enterprise Set-A Sides.

**EXPIRATION DATE:**

This PM is effective immediately and remains in effect until cancelled or superseded.

**REFERENCES:**

1. Procurement Procedures Manual, Chapter 7, Socioeconomic Programs.
2. Best Practices Procurement Manual, Section 7.2.4, Prompt Payment Mechanisms.
3. 49 CFR 26.29.

**BACKGROUND**

Pursuant to 49 CFR 26.29, WMATA is required to include a prompt payment clause in all Department of Transportation (DOT)-assisted contracts, including Architectural and Engineering (A&E) contracts. The clause requires prime contractors to pay subcontractors for satisfactory performance of their contracts no later than thirty (30) days from receipt of each payment from the grantee. This requirement comes from the Disadvantaged Business Enterprise (DBE) rule found at 49 CFR § 26.29. The Contractor is required to monitor the performance of, collect and report data on DBE participation to WMATA's Small Business Programs Office on the WMATA website at [www.wmata.com](http://www.wmata.com) under "Doing Business with WMATA". During a recent Federal Transit Administration audit, it was found that the Prompt payment reporting sheet did request certain information such as; (1) the date of payment to a subcontractor; (2) the date the invoice was sent to WMATA; and (3) the invoice number. Both the prime contractor and the subcontractor are required to submit on a monthly basis the DBE Prompt Payment Reports Prime - Contractor's Report via the Prompt Payment Tool on the WMATA website. The Small Business Programs Office has amended the reporting sheet to reflect the additional required information.

**POLICY**

Pursuant to 49 CFR 26.29, the prime contractor is required to submit on a monthly basis Prompt Payment reports on federally assisted contracts with DBE goals via the Prompt Payment Tool on the WMATA website (Attachment 1). Failure to submit these reports may result in suspension of contract payments. The Contractor shall certify with each payment request has been or will be made to all subcontractors due payment, within ten (10) days

after receipt of payment from the Authority for work by that subcontractor. The prime contractor must inform the Contracting Officer's Representative (COR) or Contracting Officer's Technical Representative (COTR), with their payment request, of any situation in which scheduled subcontractor payments have not been made and the reasons why payments have not been made. The following actions are required:

- (a) The prime contractor shall require each subcontractor to report Prompt Payment data to WMATA's Small Business Programs Office online at [www.wmata.com](http://www.wmata.com) under Doing Business with WMATA and on a monthly basis using the attached "WMATA DBE Prompt Payment Report-Subcontractor's Report" (Attachment 2). The subcontractor shall certify that payment has been received.
- (b) The prime contractor and the subcontractor are required to have Prompt Payment reporting training for each WMATA contract which has been awarded to them. Failure to complete this training may result in suspension of contract payments.
- (c) The Contract Administrator (CA) shall include these forms in all federally-assisted DBE contracts; and Small Business Enterprise Set-A Sides with a DBE goal assigned. The CA shall also ensure that both prime contractor and the subcontractor have Prompt Payment reporting training.

## PROMPT PAYMENT REPORT

This report is required to be submitted to the Office of Small Business Programs, 600 5<sup>th</sup> Street N.W., Washington, D.C. 20001, pursuant to the requirements of WMATA's DBE Program Plan § 2.5 and § 26.29 of 49 CFR Part 26. In addition, all prompt payment information should be entered electronically through the supplier portal.

Reporting Period:

**Name of Prime Contractor:**

**Contract No. :**

**Prime Contract Amount:**

**Total Contracted to WMATA Certified DBE Firms:**

Task Order No. / P.O. No.:

[illegible]

I certify the information furnished with respect to DBE subcontractor performance is correct to the best of my knowledge and represents a current status of the prime contractor with the DBE subcontractors for the designated period covered by this report. Further, those subcontractors, due payment pursuant to the terms of their subcontractors will be paid within ten days after receipt of payment from WMATA.

By:

Date:

Title:

### Verification by MMA TA:

Telephone No.:

Email Address:

**Washington Metropolitan Area Transit Authority**  
**DISADVANTAGED BUSINESS ENTERPRISE (DBE)**  
**PROMPT PAYMENT REPORT**  
**SUB – CONTRACTOR'S REPORT**

This report is required to be submitted to the Office of Small Business Programs, 600 5<sup>th</sup> Street N.W., Washington, D.C. 20001, pursuant to the requirements of WMATA's DBE Program Plan § 2.5 and § 26.29 of 49 CFR Part 26. In addition, all prompt payment information should be entered electronically through the supplier portal.

Reporting Period:

Name of Prime Contractor:

Contract No.:

Prime Contract Amount:

Total Contracted to WMATA Certified DBE Firms:

Task Order No. / P.O. No.:

Name of Sub-Contractor	DBE (Y/N)	Description of Work	Date Contract Awarded	Amount of Sub-Contractor Award	Amount Paid This Reporting Period	Cumulative Paid To Sub-Contractor	% of Physical Work Complete	Date Payment Received	Date of Invoice sent to Prime Contractor	Invoice Number To Prime

I certify the information furnished with respect to my performance is correct to the best of my knowledge and represents a current status of DBE subcontractors for the designated period covered by this report. Further, I acknowledge that I received payment for the invoice listed.

By:

Date:

Title:

Verification by WMATA:

Telephone No:

Email Address: