

APPENDIX 4-B

SAN FRANCISCO PUBLIC WORKS

**SMALL BUSINESS ENTERPRISE/DISADVANTAGED BUSINESS ENTERPRISE (SBE/DBE)
PROGRAM REQUIREMENTS FOR FEDERALLY FUNDED CONSTRUCTION CONTRACTS**

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ACRONYMNS

1. **CCO** - Contract Compliance Office/Officer
2. **CMD** - Contract Monitoring Division
3. **CFR** - Code of Federal Regulations
4. **CUCP** - California Unified Certification Program
5. **DBE** - Disadvantaged Business Enterprise
6. **DBELO** – DBE Liaison Officer
7. **DOT** - Department of Transportation
8. **DVBE** - Disabled Veteran Business Enterprise
9. **EPA** - Environmental Protection Agency
10. **FTA** - Federal Transit Administration
11. **GSA** - General Services Administration
12. **LBE** - Local Business Enterprise
13. **MBE** - Minority-Owned Business Enterprise
14. **SBE** - Small Business Enterprise
15. **SFMTA** - San Francisco Municipal Transportation Agency
16. **SFPW** - San Francisco Public Works
17. **SFRPD** - San Francisco Recreation and Park Department
18. **VOSB** - Veteran-Owned Small Business
19. **WBE** - Woman-Owned Business Enterprise

SAN FRANCISCO PUBLIC WORKS
SMALL BUSINESS ENTERPRISE/DISADVANTAGED BUSINESS ENTERPRISE PROGRAM
REQUIREMENTS

PART ONE

I. POLICY

San Francisco Public works ("SFPW") of the City and County of San Francisco is committed to a Small Business Enterprise (SBE) and Disadvantaged Business Enterprise (DBE) Program ("Program") for the participation of SBEs and DBEs in contracting opportunities to comply with the federal regulations in 49 CFR Part 26, issued March 4, 1999, as amended from time to time (the "Regulations"). The Regulations are incorporated into this Program as though fully set forth herein. It is the intention of the SFPW to create a level playing field on which SBEs and DBEs can compete fairly for contracts and subcontracts relating to the construction activities of the San Francisco Public Works SFPW ("SFPW").

A. Applicability

Under 49 CFR Sections 26.3 and 26.51, and in response to the Federal Transit Administration's ("FTA") March 23, 2006, publication of the Department of Transportation's ("DOT") guidance concerning the federal Disadvantaged Business Enterprise ("DBE") program that applies to grant recipients within the Ninth Circuit, the San Francisco Municipal Transportation Agency ("SFMTA"), a recipient of federal financial assistance from the FTA, is required to implement race-neutral means of facilitating DBE participation in instances where the SFMTA lacks evidence of discrimination or its effects on DBEs. Per DOT requirements, the SFMTA conducted a disparity study to determine if substantial disparities exist in the utilization of DBEs in the SFMTA's federally assisted contracts. The results of the study concluded that for the SFMTA's construction contracts, DBEs owned and controlled by Blacks and women are underutilized, and DOT has authorized the SFMTA to establish contract goals for Black- and women-owned DBEs. This Program applies to the following types of SFMTA contracts that are funded, in whole or in part, by DOT financial assistance: Construction – Building, Heavy; Construction – Dredging and surface Cleanup; Construction (specialty trades); General Freight Trucking; Hazardous Waste Collection, Trucking; Remediation; Testing Labs; Computer Programming and Design; Architecture & Engineering Services; Surveying and Mapping; Drafting (design services); Landscape Architecture; Building Inspection; Machinery and Equipment Rental (construction); Merchant Wholesalers, Durable Goods; Public Relations; and Telecommunications.

B. Objectives

The objectives of this program are to:

1. Remove barriers to SBE/DBE participation in the bidding, award and administration of SFMTA/SFPW/SFRPD/Port of San Francisco and other City Departments Federal and State funded contracts;
2. Assist SBEs/DBEs to develop and compete successfully outside of the Program;
3. Ensure that the Program is narrowly tailored in accordance with 49 CFR Part 26;

4. Ensure that only SBEs/DBEs meeting the eligibility requirements are allowed to participate as SBEs/DBEs;
5. Identify business enterprises that are qualified as SBEs/DBEs and are qualified to provide SFPW with required materials, equipment, supplies and services; and to develop a good rapport with the owners, managers and sales representatives of those enterprises;
6. Develop communications programs and procedures which will acquaint prospective SBEs/DBEs with SFPW's contract procedures, activities and requirements and allow SBEs/DBEs to provide SFPW with feedback on existing barriers to participation and effective procedures to eliminate those barriers; and
7. Administer the Program in close coordination with the various divisions within SFPW, SFMTA, SFRPD, Port of San Francisco and other City Departments to facilitate the successful implementation of this Program.

C. Administration of Program

Alaric Degrafinried, SFPW Deputy Director of Strategic Initiatives, and Alex Burns, SFPW Manager, Contract Administration are responsible for adherence to this policy. The Contract Compliance Manager shall be responsible for the development, implementation, and monitoring of this program. All SFPW personnel shall adhere to the provisions and the spirit of the program.

Boris Deunert, Manager of Regulatory Affairs, is the SBE/DBE Liaison Officer (DBELO) for SFPW, located at:

49 South Van Ness Avenue, 9th Floor,
San Francisco, CA 94103
Phone: (415) 646-2309, Email: Boris.Deunert@SFPW.com

D. Prohibited Discrimination

SFPW does not exclude persons from participation in, deny benefits to, or otherwise discriminate against any persons in connection with the award and performance of any contract governed by the Regulations on the basis of race, color, sex or national origin. The City and County of San Francisco also prohibits discrimination on the fact or perception of a person's race, color, creed, religion, national origin, ancestry, age, sex, sexual orientation, gender identity, domestic partner status, marital status, disability or Acquired Immune Deficiency Syndrome or HIV status (AIDS/HIV status).

SFPW does not directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of this program with respect to individuals in the groups or categories or having the characteristics listed above.

SFPW has signed the federal assurances regarding non-discrimination required under 49 CFR Section 26.13.

E. Non-Discrimination in Employment

SFPW will evaluate the bidder's response to the Construction Employment Information (SFPW SBE/DBE Form No. 3) to determine whether the bidder is in compliance with the Nondiscrimination Requirements.

Should SFPW deem it necessary, the SFPW will seek a written commitment from the proposer to use good faith efforts to provide equal employment opportunities during the term of the contract. One measure that SFPW may use to evaluate such a written commitment from the proposer would be to compare the utilization of women and minorities to the relevant labor market to improve parity between the composition of the proposer's workforce and the available labor market. The bidder may be required to provide SFPW with the relevant data regarding its labor market.

II. DEFINITIONS

Any terms used in this Program shall have the meaning set forth below:

A. Disadvantaged Business Enterprise (DBE)

A DBE is a for-profit, small business concern (1) that is at least fifty-one percent (51%) owned by one or more individuals who are both socially and economically disadvantaged, or, in the case of a corporation, in which fifty-one percent (51%) of the stock is owned by one or more socially and economically disadvantaged individuals; (2) whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it; and (3) that is certified under the California Unified Certification Program ("Federal DBE Program").

B. Small Business Enterprise (SBE)

An SBE is a for-profit, small business concern with three-year average gross revenues that do not exceed the thresholds set forth in Section III. B for construction or professional services type work and either: 1) is certified under any of the following programs: the State of California's Small Business Program ("State Program"), the City and County of San Francisco's LBE Program ("City Program"), or the California Unified Certification Program ("Federal DBE program"), or 2) has received written confirmation from CCO that it meets the SFPW's program eligibility requirements. *

** Please note that firms not certified under one of the identified programs must submit a Small Business Verification Form to CCO in order to be determined eligible to meet the SBE Program requirements (i.e., the three-year average gross revenues do not exceed the thresholds in Section III.B). Failure to do so may result in the firm's work not being counted toward the established SBE goal. In addition, professional services firms certified under the State Program should contact CCO in order to verify that their three-year average gross revenues do not exceed the appropriate size standard for the type of work the firm seeks to perform.*

Contact Selormey Dzikunu at Selormey.Dzikunu@sfdpw.org or (628) 271-2094 to obtain a Small Business Verification Form.

III. SBE/DBE/MBE/WBE/DVBE AND VOSB PARTICIPATION AND SUBCONTRACTING REQUIREMENTS

A. SBE/DBE/MBE/WBE/DVBE and VOSB Participation Goals

The SBE, Black-owned DBE, Minority-Owned Business Enterprises (MBE), Woman-Owned Business Enterprises (WBE), Disabled Veteran Business Owned (DVBE) and Veteran Owned Business Enterprises (VOSB) participation goals for this contract are contained in the Invitation for Bids. **Bidders shall meet each of these goals or demonstrate sufficient good faith efforts to meet these goals, as described in this Program.** These goals will apply to the following types of contracts or scope of work in the contract: Construction – Building, Heavy; Construction – Dredging and Surface Cleanup; Construction (specialty trades); General Freight Trucking; Hazardous Waste Collection, Trucking; Remediation; Testing Labs; Computer Programming and Design; Architecture & Engineering Services; Surveying and Mapping; Drafting (design services); Landscape Architecture; Building Inspection; Machinery and Equipment Rental (construction); Merchant Wholesalers, Durable Goods; Public Relations; and Telecommunications.

To be determined responsive, a bidder must demonstrate in its submittal that it will meet the SBE and DBE goals in the performance of this contract; or if it is unable to meet the goals, the bidder must submit SBE/DBE Contractor/Subcontractor Participation Report – Good Faith Efforts (SFPW SBE/DBE Form No. 2) with its proposal that it performed good faith efforts to meet this goal prior to submission of the bid or proposal. A bidder that is not responsive shall be ineligible for award of the contract.

If no goal has been set for this contract, SFPW encourages bidder to use good faith efforts to solicit SBEs/DBEs for this contract if available.

NOTE: Website links for finding Certified LBEs/DBEs/SBEs:

- San Francisco Contract Monitoring Division Certified Local Business Enterprises (“City Program”) <https://sfcitypartner.sfgov.org/pages/LBESearch/supplier-search.aspx>
- California Unified Certification Program (CUCP) Certified Disadvantaged Businesses Enterprises (“Federal DBE Program”) <https://caltrans.dbesystem.com/>

Or <https://dot.ca.gov/programs/civil-rights/dbe-search>

- Certified Small Businesses Enterprises (“State Program”) <https://www.caleprocure.ca.gov/pages/PublicSearch/supplier-search.aspx>

Contact Selormey Dzikunu by email at Selormey.Dzikunu@sfdpw.org or by phone at (628) 271-2094 should you need assistance with meeting SBE/DBE/MBE/WBE/DVBE/VOSB Subcontractor Participation Goals.

B. SBE Income Thresholds for Certain Types of Contracts

The total average gross revenue thresholds for the past five years must not exceed the current SBA business size standard appropriate to the type(s) of work the firm seeks to perform as set forth below. Even if it meets the appropriate SBA size standard, a firm is not eligible if it (including its affiliates) has had average annual gross receipts over the

firm's previous three fiscal years, in excess of \$30.40 million. These figures may be updated periodically by the DBE/SBE program.

1.	Construction – Building, Heavy	\$30.72 Million
2.	Construction – Dredging and Surface Cleanup	\$30.72 Million
3.	Construction (specialty trades)	\$19.0 Million
4.	General Freight Trucking	\$30.4 Million
5.	Hazardous Waste Collection, Trucking	\$30.4 Million
6.	Remediation	\$25.0 Million
7.	Testing Labs	\$19.0 Million
8.	Engineering Services	\$25.5 Million
9.	Surveying and Mapping (except Geophysical) Services	\$19.0 Million
10.	Geophysical Surveying and Mapping Services	\$28.5 Million
11.	Drafting	\$9.0 Million
12.	Landscape Architectural Services	\$9.0 Million
13.	Architectural Services	\$12.5 Million

The bidder must collect and submit to SFPW with its bid the SBE/DBE Contractor/Joint Venture Partner/Subcontractor Gross Revenue Declaration(s) (SFPW SBE/DBE Form No. 2B) from all potential SBE/DBE/LBE/MBE/WBE/DVBE/VOSB participants attesting that its total average gross revenues for the past five years are equal to or below the income threshold for that specific category of contract.

For more information about SBA size standards or if your firm's work category does not appear on the list above, please contact CCO or refer to the SBA's webpage:

<https://www.ecfr.gov/current/title-13/chapter-I/part-121#121.201>

C. SBE/DBE Participation

SFPW strongly encourages the prime contractor to make every good faith effort to include SBEs/DBEs to perform meaningful work in all aspects of the project. To accomplish these efforts, the following guidance is provided:

1. Nature of SBE/DBE Participation

SBE/DBE participation includes contracts (other than employee contracts) with SBEs/DBEs for any goods or services specifically required for the completion of the work under the contract. An SBE/DBE may participate as a prime contractor, subcontractor, lower-tier subcontractor, joint venture partner with a prime contractor, vendor of material or supplies incorporated or expended in the work, or a supplier of other services such as shipping, transportation, testing, equipment rental, insurance services, and other support services necessary to fulfill the requirements of the contract.

2. Function

An SBE/DBE must perform a commercially useful function, i.e., must be responsible for the execution of a distinct element of work and must carry out its responsibility by actually performing, managing and supervising the work. However, an SBE/DBE may contract out a portion of the work if it is considered to be a normal industry practice. If an SBE/DBE contractor subcontracts a significantly greater portion of the work of the contract than would be expected on

the basis of normal industry practices, the SBE/DBE shall be presumed not to be performing a commercially useful function.

3. **Determining the Amount of SBE/DBE Participation**

SBE/DBE participation includes that portion of the contract work actually performed by a certified SBE/DBE with its own forces. An SBE/DBE may participate as a prime contractor, subcontractor, joint venture partner, or vendor or supplier of materials or services required by the contract.

An SBE's/DBE's participation can only be counted if it is performing a commercially useful function on the contract as defined in 49 CFR Section 26.55(c). An SBE/DBE is performing a commercially useful function when it actually performs, manages and supervises a portion of the work involved. There is a rebuttable presumption that if the SBE/DBE is not responsible for at least 30% of the work with its own forces, or subcontracts a greater portion of the work than the normal industry standard, it is not performing a commercially useful function. An SBE/DBE trucking company is performing a commercially useful function if it is responsible for the overall management and supervision of the transportation services involved and uses at least one truck that is owned, insured and operated by its own employees.

Participation by any DBE in excess of the DBE goal amount shall be credited towards achievement of the SBE participation goal.

The Contractor shall determine the amount of SBE/DBE participation for each SBE/DBE performing work on the contract in terms of both the total value of the work in dollars and the percentage of the total contract bid price. The Contractor shall also determine the total amount of SBE and DBE participation for the entire contract. The Contractor shall count SBE and DBE participation according to the following guidelines:

- a. **SBE/DBE Prime Contractor** - Count the entire dollar amount of the work performed, or services provided by the SBE's/DBE's own forces, including the cost of materials and supplies obtained for the work and the reasonable fees and commissions charged for the services. Do not count any work subcontracted to another firm as SBE/DBE participation by the SBE/DBE Prime Contractor.
- b. **SBE/DBE Subcontractor** - Count the entire amount of the work performed or services provided by the SBE's/DBE's own forces, including the cost of materials and supplies obtained for the work (except for materials and supplies purchased or leased from the Prime Contractor) and reasonable fees and commissions charged for the services. Do not count any work subcontracted by an SBE/DBE subcontractor to another firm as SBE/DBE participation by said subcontractor. If the work has been subcontracted to another SBE/DBE, it will be counted as SBE/DBE participation by that other SBE/DBE.
- c. **SBE/DBE Joint Venture Partner** - Count the portion of the work that is performed solely by the SBE's/DBE's forces or if the work is not clearly delineated between the SBE/DBE and the joint venture partner, count the portion of the work equal to the SBE's/DBE's percentage of ownership interest in the joint venture.

- d. **SBE/DBE Regular Dealer** - Count 60% of the costs of materials and supplies obtained from an SBE/DBE regular dealer that owns, operates or maintains a store or warehouse in which the materials and supplies are regularly bought, kept in stock and sold or leased to the public in the usual course of business (except regular dealers of bulk items such as petroleum, cement and gravel who own and operate distribution equipment in lieu of maintaining a place of business). This applies whether an SBE/DBE is a prime contractor or subcontractor. A bidder or proposer who supplies Specially Manufactured Items, as defined in subsection e., will not receive SBE/DBE credit as a Regular Dealer for the cost of such items except as described in subsection e.
- e. **Supplier of Specially Manufactured Items** - The Invitation for Proposals, Instructions for Preparation and Execution of Forms, and/or other bid or contract documents may list materials, articles, equipment or other manufactured items that the SFPW has designated as Specially Manufactured Items for the purposes of the SBE and DBE participation goals. A Specially Manufactured Item is an item that is either typically purchased by the prime contractor directly from the manufacturer or not supplied by suppliers or construction subcontractors in the usual course of business.

If the bid or contract documents expressly identify one or more Specially Manufactured Items, the Contract Compliance Office will calculate SBE/DBE participation credit for such items according to the following rules:

- i. If a Specially Manufactured Item is manufactured and purchased from an SBE/DBE that is certified as a manufacturer, 100% of the purchase order amount will be credited towards meeting the SBE/DBE goal, regardless of who installs the item.
- ii. If a Specially Manufactured Item is purchased from an SBE/DBE Regular Dealer or Other SBE/DBE, count the entire amount of fees or commissions charged for assistance in procuring or delivering the Specially Manufactured Item. The cost of the Specially Manufactured Item will not be counted.
- iii. A bidder may receive full SBE/DBE participation credit for consulting services in work classifications associated with Specially Manufactured Items (e.g., engineering, design, testing, etc.), provided that the consulting services are performed by an SBE/DBE that is certified as a consultant in such work classification.
- iv. A bidder may receive full (100%) SBE/DBE participation credit for any labor associated with the installation of a Specially Manufactured Item (regardless of the source of supply), provided the installation is performed by an SBE/DBE that is certified as a construction contractor in accordance with normal industry practice.
- v. For purposes of this section, a manufacturer is a firm that operates or maintains a factory or establishment that produces, on the

premises, the materials, supplies, articles, or equipment required under the contract and of the general character described by the specifications.

- f. **Other SBEs/DBEs** - Count the entire amount of fees or commissions charged for assistance in procuring or delivering materials and supplies when purchased from a SBE/DBE that is not a manufacturer or regular dealer. Do not count the cost of the materials and supplies.
- g. **SBE/DBE Trucking Company** - Count the entire amount of the transportation services provided by an SBE/DBE trucking company that performs the work using trucks it owns, insures, and operates with its own employees.

Count the entire amount of the transportation services provided by an SBE/DBE trucking company that performs the work using trucks it leases from another SBE/DBE (including an owner-operator) provided that it is responsible for the overall management and supervision of the service and that it uses at least one truck that it owns, insures, and operates with its own employees on the contract.

Count the entire amount of fees and commissions charged for providing the management and supervision of transportation services using trucks it leases from a non-SBE or non-DBE trucking company (including owner-operator), provided that it is responsible for the overall management and supervision of the service and that it uses at least one truck that it owns, insures, and operates with its own employees on the contract.

- h. **SBE/DBE Participation Credit** - For purposes of evaluating SBE and DBE participation credit, only the committed contract amount will be counted toward meeting the SBE and DBE goals. This amount must be properly indicated on the proper SFPW forms, submitted on a timely basis, and verified by SFPW Contract Compliance.

D. Meeting the SBE and DBE Participation Goals

By submitting the Contractor/Joint Venture Partner and Subcontractor Participation Report (SFPW SBE/DBE Form No. 1), a bidder certifies that it is committed to using the identified SBEs and DBEs in the performance of the contract. Detailed instructions for completing this and other required forms are found in Part Two II.

E. Submission of Certification for SBEs/DBEs

1. Prime contractors and subcontractors must be SBE/DBE certified or determined eligible by CCO on the **proposal/bid due date**. To qualify to meet the SBE participation goal, prime contractors and subcontractors must be: 1) certified under the City Program, State Program, or the Federal DBE Program, or 2) determined eligible by CCO.

Firms may obtain information on how to become certified as SBEs or DBEs from either SFPW or from the State or City at the following addresses and Web Links:

For assistance with meeting subcontractor participation goals and accessing the databases contact:

San Francisco Public Works
Contract Compliance Manager
49 South Van Ness Avenue, Suite 1600
San Francisco, California 94103
Selormey.Dzikunu@sfdpw.org; (628) 271-2094
Attn: Selormey Dzikunu, Contract Compliance Manager

A list of certifying agencies can be obtained by emailing Diana Gatlin at: Diana.Gatlin@sfdpw.org or calling (628) 271-3081

2. To apply for Local Business Enterprise (LBE) certification under the City Program, submit an application to:

A. City Program:

Contract Monitoring Division (CMD)
General Services Agency
City and County of San Francisco

1455 Market Street, 16th Floor
San Francisco, CA 94103
Attn: Certification Unit
(415) 581-2310

<http://sfgsa.org/index.aspx?page=6129>

B. Federal Program:

California Department of Transportation
Civil Rights/MS 79
1823-14th Street
Sacramento, CA 95814

For a list of DBEs certified by the CUCP, go to this Web site:
<https://californiaucp.dbesystem.com>

C. State Program:

California Department of General Services
Office of Small Business and DVBE Services, Room 1-400
P.O. Box 989052
West Sacramento, CA 95798-9052
(916) 375-4940

<https://caleprocure.ca.gov/pages/sbdvbe-index.aspx>

Project by project certification will not be required; however, if the status of the SBE/DBE changes during the certification period, the certification may no longer be valid. In such cases, a newly completed certification application should be submitted.

IV. EVALUATION OF BID PROPOSAL

A. CCO Evaluation

After the bid opening, CCO shall evaluate all bids with regard to the SBE/DBE requirements to determine a recommendation to the Director of Transportation for award of the contract. In the case of sealed bid procurements, the responsible and responsive bidder with the lowest apparent bid price that also meets the contract-specific goals or demonstrates good faith efforts to meet the goals, shall be eligible for award of the contract.

Should CCO determine that additional information is needed to evaluate a bidder's submission with regard to the Program requirements, CCO shall request the bidder or listed SBE/DBE to submit the required information.

1. Evaluation of SBE/DBE Certification Status

SFPW requires that any SBEs/DBEs listed by bidder for participation in the contract be certified by proposal due date. CCO shall review the bidder's Contractor/Joint Venture and Subcontractor Participation Report (SFPW SBE/DBE Form No. 1) to confirm the certification status of each SBE/DBE. SFPW will accept current certifications by (a) SFMTA and other DOT recipients in California authorized under the federal DBE regulations; (b) the State Program, or (c) the City Program.

The SBE/DBE contractor and listed SBE/DBE subcontractors or suppliers must declare under penalty of perjury under the laws of the State of California that its total average gross revenues for the past five years are equal to or below the income threshold for that specific category of contract (See SFPW SBE/DBE Form 2B).

2. Determination of Amount of SBE/DBE Participation

CCO shall review the total dollar value of the work, and the percentage of the total contract bid price reported on the bidder's Contractor/Joint Venture Partner and Subcontractor Participation Report (SFPW SBE/DBE Form No. 1) for accuracy and shall compare it to the contract-specific goals established for the contract.

3. Demonstrating Good Faith Efforts

If the amount of SBE and/or DBE participation does not meet the contract-specific goals, CCO shall review the good faith efforts report submitted by the bidder with its bid. CCO shall determine whether, prior to submission of bid, the bidder has performed the quality, quantity, and intensity of efforts that demonstrates a reasonably active and aggressive attempt to meet the contract-specific goal.

Good Faith Effort Evaluation

- a. If the apparent low bidder fails to meet the SBE/MBE/WBE/DVBE Goals, its good faith effort will be evaluated to determine whether it has made adequate good faith efforts. The quality, quantity, and intensity of the different kinds of efforts that the bidder has made will be considered. As part of this evaluation SFPW will consider the performance of all the other bidders in meeting the goals. For example,

when the apparent successful bidder fails to meet the contract goal, but the 2nd, 3rd, 4th and all others meet it, SFPW may reasonably raise the question of whether, with additional reasonable efforts, the apparent successful bidder could have met the goal.

- b. If the apparent low bidder fails to meet at least the average SBE, MBE and WBE commitment, its good faith effort may be determined inadequate, and the bid may be declared nonresponsive.
- c. If the apparent successful bidder fails to meet the goal but meets or exceeds the average MBE/WBE/DVBE participation obtained by other bidders, SFPW may view this, in conjunction with other factors, as evidence of the apparent successful bidder having made good faith efforts.

Bidder Responsibility

A bidder must submit a report explaining the steps taken and the reasons the efforts were not successful to obtain SBE and/or DBE participation. The following is a list of types of actions that you should consider as part of the bidder's good faith efforts to obtain SBE/DBE participation. It is not intended to be a mandatory checklist, nor is it intended to be exclusive or exhaustive. Other factors or types of efforts may be relevant in appropriate cases.

- a. Soliciting through all reasonable and available means (e.g. attendance at pre-bid meetings, advertising and/or written notices) the interest of all certified SBEs/DBEs who have the capability to perform the work of the contract. The bidder must solicit this interest within sufficient time to allow the SBEs/DBEs to respond to the solicitation. The bidder must determine with certainty if the SBEs/DBEs are interested by taking appropriate steps to follow up initial solicitations.
- b. Selecting portions of the work to be performed by SBEs/DBEs in order to increase the likelihood that the SBE/DBE goals will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate SBE/DBE participation, even when the prime contractor might otherwise prefer to perform these work items with its own forces.
- c. Providing interested SBEs/DBEs with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation.
- d. Negotiating in good faith with interested SBEs/DBEs. It is the bidder's responsibility to make a portion of the work available to SBE/DBE subcontractors and suppliers and to select those portions of the work of material needs consistent with the available SBE/DBE subcontractors and suppliers, so as to facilitate SBE/DBE participation. Evidence of such negotiation includes the names, addresses, and telephone numbers of SBEs/DBEs that were considered; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and evidence as to why additional agreements could not be reached for SBEs/DBEs to perform the work.
- e. A bidder using good business judgment would consider a number of factors in negotiating with subcontractors, including SBE/DBE

subcontractors, and would take a firm's price and capabilities as well as contract goals into consideration. However, the fact that there may be some additional costs involved in finding and using SBEs/DBEs is not in itself sufficient reason for a bidder's failure to meet the contract goal, as long as such costs are reasonable. Also, the ability or desire of a prime contractor to perform the work of a contract with its own organization does not relieve the bidder of the responsibility to make good faith efforts. Prime contractors are not, however, required to accept higher quotes from SBEs/DBEs if the price difference is excessive or unreasonable.

- f. Not rejecting SBEs/DBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities. The contractor's standing within its industry, membership in specific groups, organizations, or associations and political or social affiliations (e.g. union vs. non-union employee status) are not legitimate causes for the rejection or non-solicitation of bids in the contractor's efforts to meet the project goal.
- g. Making efforts to assist interested SBEs/DBEs in obtaining necessary equipment, supplies, materials, or related assistance or services.
- h. Effectively using the services of available minority/women community organizations; minority/women contractors' groups; local, state, and federal minority/women and small business assistance offices; and other organizations as allowed on a case-by-case basis to provide assistance in the recruitment and placement of SBEs/DBEs.

B. Recommendation for Award of Contract

1. Evaluation of Bids

CCO shall review all of the information submitted by bidders to determine a recommendation to the Director of Transportation for award of the contract to the lowest responsive and responsible bidder. The bidder shall cooperate with CCO if a request for additional information is made during this evaluation process (e.g. supplying copies of subcontractors' or suppliers bid quotations).

2. CCO's Recommendation for Award

Following the determination of the lowest responsive and responsible bidder, CCO shall prepare a memorandum on the bidder's compliance with the Program requirements for submission to the SFPW Board of Directors. SFPW will follow the award of contract and protest procedures described in the bid documents.

3. Bidder's Right to Administrative Reconsideration

In the event that CCO determines that the apparent low bidder has not met the SBE and/or DBE participation goal(s) and has not demonstrated good faith efforts, CCO, through SFPW's contract administration, will notify the bidder in writing. The notification shall include the reasons for the determination. The notification shall also inform the bidder of its right to submit further written documentation or seek reconsideration from an official ("Appellate Official") who did not take part in the original determination.

The bidder must submit its request for reconsideration to SFPW no later than five (5) business days following the date the SFPW notifies the bidder that it has not

met the SBE and/or DBE participation goals and has not demonstrated good faith efforts. The request must be in the form of a written statement specifying in detail each and every ground asserted for the reconsideration, and include relevant facts and supporting information. The request for reconsideration must be signed by an individual authorized to represent the bidder and delivered by mail or email to the Contract Administrator identified in the RFP/bid documents. If the request is mailed, the bidder bears the risk of non-delivery within the deadlines specified herein.

Prior to the time that a recommendation for award of the contract is made by CCO, the Appellate Official shall provide the bidder with a written decision regarding its request for reconsideration.

In the event that the Appellate Official finds that the bidder has not met the SBE and/or DBE participation goals or demonstrated good faith efforts, CCO will deem said bidder not responsive and evaluate the second-ranked bidder. The decision of CCO, or the Appellate Official, if the matter is appealed, shall be administratively final as to the SBE/DBE issue.

C. Successful Bidder

1. Contract Assurances

The Contractor and its subcontractors shall not discriminate on the basis of race, color, national origin, or sex in the performance of the contract. The Contractor and its subcontractors shall carry out applicable requirements of 49 C.F.R. Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate, which may include, but is not limited to:

- (1) Withholding monthly progress payments;
- (2) Assessing sanctions;
- (3) Liquidated damages; and/or
- (4) Disqualifying the contractor from future bidding as non-responsible.

2. Substitution of Subcontractors and Suppliers

The Contractor shall not terminate an SBE/DBE subcontractor or supplier without CCO's prior written consent. Before transmitting a request to terminate and/or substitute an SBE/DBE subcontractor or supplier, the Contractor must give notice in writing to the SBE/DBE, with a copy to CCO, of its intent to request to terminate and/or substitute, and the reason for the request. The Contractor must give the SBE/DBE five days to: (1) respond to the notice and (2) provide the reasons why, if any, the SBE/DBE objects to the proposed termination/substitution. The Contractor must make good faith efforts to find another SBE/DBE subcontractor or supplier to substitute for the original SBE/DBE. Substitution of an SBE/DBE may also have to be approved by the SFPW Board of Directors.

3. Addition of Subcontractors and Suppliers

The Contractor shall notify CCO prior to any addition of an SBE/DBE or non-SBE/DBE subcontractor or supplier to the project and submit a Subcontractor Participation Declaration (SFPW SBE/DBE Form No. 4) from each new subcontractor or supplier. Any new SBE/DBE subcontractor or supplier approved

by CCO also must submit a Subcontractor Participation Declaration (SFPW SBE/DBE Form No. 5).

4. Prompt Payment to Subcontractors/Suppliers

In accordance with SFPW's Program, no later than three (3) working days from the date of Contractor's receipt of progress payments by SFPW, the Contractor shall pay any subcontractors for work that has been satisfactorily performed by said subcontractors, unless the prime contractor notifies the DBE Liaison Officer in writing within 10 working days prior to receiving payment from the City that there is a bona fide dispute between the prime contractor and the subcontractor. Within five (5) days of such payment, Contractor shall submit satisfactory evidence that it has promptly paid subcontractors for the work they have performed electronically via the B2GNow System. Failure to provide such evidence shall be cause for City to suspend future progress payments to Contractor.

Contractor may withhold retention from subcontractors if City withholds retention from Contractor. Should retention be withheld from Contractor, within thirty (30) days after the City's payment of retention to Contractor for satisfactory completion of all work required of a subcontractor, Contractor shall release any retention withheld to the subcontractors. Satisfactory completion shall mean when all the tasks called for in the subcontract with subcontractor have been accomplished and documented as required by City.

If the Contractor does not pay its subcontractor as required under the above paragraph, it shall pay interest to the subcontractor at the legal rate set forth in California Code of Civil Procedure Section 685.010(a).

5. Reporting Requirements

The Contractor shall maintain records of all SBE/DBE/Non-SBE/Non-DBE participation in the performance of the contract, including subcontracts entered into with certified SBEs/DBEs/Non-SBEs/Non-DBEs and all materials purchased from certified SBEs/DBEs. The Contractor shall supply CCO with copies of all contracts with SBE/DBE and non-SBE/non-DBE subcontractors and suppliers.

The Contractor shall submit SBE/DBE/Non-SBE/Non-DBE participation reports to SFPW on a monthly basis, or as otherwise directed by CCO. The reports shall identify the name and address of each SBE/DBE/Non-SBE/Non-DBE performing work on the project and show the total dollar amount requested for payment and the total dollar amount actually paid to each SBE/DBE/Non-SBE/Non-DBE. Within thirty (30) days of completion of the contract, or as otherwise directed by CCO, the Contractor shall submit a final summary SBE/DBE report to CCO.

6. Administrative Remedies

a. Monitoring SBE/DBE Participation

CCO will monitor and track the actual SBE/DBE participation through contractor and subcontractor reports of payments, site visits and other appropriate monitoring. CCO will ensure that SBE/DBE participation is counted towards contract goals and the overall annual goal in accordance with the Regulations.

CCO will require prime contractors to maintain records and documents of payments to SBEs/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 SFPW, SFMTA, SFRPD, Port of San Francisco, DOT, EPA or any Funding Federal or State project funding agency. This requirement also extends to any certified SBE/DBE/SFLBE/MBE/WBE/DVBE/VOSB subcontractor.

CCO will keep a running tally of actual payments to SBE/DBE/SFLBE/MBE/WBE/DVBE/VOSB firms for work committed to them at the time of contract award.

CCO will perform interim audits of contract payments to SBEs/DBEs/SFLBEs/MBEs/WBEs/DVBEs/VOSBs. The audit will review payments to SBE/DBE/SFLBE/MBE/WBE/DVBE/VOSB subcontractors to ensure that the actual amount paid to SBE/DBE/SFLBE/MBE/WBE/DVBE subcontractors equals or exceeds the dollar amount stated in the schedule of SBE/DBE/SFLBE/MBE/WBE/DVBE/VOSB participation.

b. Enforcement Mechanisms

SFPW will bring to the attention of DOT, EPA or the State any false, fraudulent, or dishonest conduct in connection with the Program so that DOT, EPA, State or Funding Agency can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in Section 26.109. Contractor may also be subject to penalties and/or a debarment action under the San Francisco Administrative Code, or liquidated damages for failure to meet particular contract SBE/DBE/MBE/WBE/DVBE/VOSB requirements. Failure to comply with the requirements of the Program constitutes a material breach of contract and will be grounds for termination of the contract. Funds may also be withheld under the Contract pending investigation of a complaint of violation of the Program.

D. Confidentiality

SFPW will safeguard from disclosure from third parties information that may reasonably be regarded as trade secrets, consistent with federal, state, and local laws. Notwithstanding any contrary provisions of state or local law, SFPW will not release personal financial information submitted in response to the personal net worth requirement to a third party other than DOT without the written consent of the person submitting the information.

V. DBE FINANCIAL INSTITUTIONS

The SFPW encourages prime contractors and subcontractors to use the services of DBE financial institutions. For a current list of DBE financial institutions in the SFPW's geographic area, please contact the Contract Compliance Officer.

PART TWO

SUBMISSION OF FORMS AND INSTRUCTIONS

I. REQUIRED FORMS

FAILURE TO COMPLY WITH THE REQUIREMENTS FOR SUBMISSION OF FORMS, WITHIN THE PRESCRIBED TIMEFRAMES, MAY RESULT IN REJECTION OF THE BID UNLESS A LATER SUBMISSION TIME IS AUTHORIZED BY SFPW CCO.

Bidders must include the following federal forms in their response packages, which can be found in Attachment 1 of the SBE-DBE Program Requirements for federally funded Construction Contracts.

SFPW SBE/DBE Form No. 1	Bidder/Subcontractor Participation Commitment Report
SFPW SBE/DBE Form No. 2	SBE/DBE Contractor /Subcontractor Participation – Good Faith Efforts
SFPW SBE/DBE Form No. 2A	Bidders List
SFPW SBE/DBE Form No. 2B	SBE/DBE Bidder/Subcontractor Gross Revenue Declaration
SCHEDULE B	Joint Venture Participation Form (Call CCO for form if needed)
SFPW SBE/DBE Form No. 3	Construction Employment Information
SFPW SBE/DBE Form No. 4	Subcontract Participation Declaration
SFPW SBE/DBE Form No. 5	Small Business Enterprise/Disadvantaged Business Enterprise/ SFLBE/MBE/WBE/DVBE/VOSB Acknowledgement Declaration
SFPW SBE/DBE Form No. 6	Federal SBE Subcontractor Participation Affidavit
SFPW SBE/DBE Form No. 6A	Federal SBE Trucking
SFPW SBE/DBE Form No. 7	Progress Payment Report - Prime Contractor/Joint Venture Partner and Subcontractor Participation Report
SFPW SBE/DBE Form No. 8	SBE/DBE/LBE/MBE/WBE/DVBE/VOSB Exit Report and Declaration.
SFPW SBE/DBE Form No. 9	Subcontractor Payment Affidavit
SFPW SBE/DBE Form No. 10	Declaration – Modification of Construction Contract

II. INSTRUCTIONS

Note: These instructions are included for the convenience of bidders in preparing their bids and for contractors to monitor SBE/DBE participation appropriately. If there is a conflict between these instructions and the provisions elsewhere in the specifications, the latter will prevail. If either these instructions or provisions elsewhere in the specifications conflict with federal, state or city requirements, the relevant statutory requirements will prevail.

A. TO BE SUBMITTED ON BID DAY OR WITHIN 5 BUSINESS DAYS OF BID OPENING:

The following forms must be executed in full and submitted with the bid package or as otherwise specified; if not, the bid may be rejected.

SFPW SBE/DBE Form No. 1 – Bidder and Subcontractor Participation Commitment Report

All bidders are required to complete this form and include the names of the SBE and DBE subcontractors or suppliers being used (including lower tier subcontractors), a description of the work the SBE/DBE will perform, the services or supplies that will be provided by each SBE/DBE, and the dollar value of each SBE/DBE transaction. (Note: The SBE/DBE subcontractors listed on SFPW SBE/DBE Form No. 1 are also required to be listed on the Subcontractors List when the amount of the subcontractor's bid is in excess of ½ of 1% of the base bid.) This completed form must be submitted with the bid package or within five (5) Days of bid or the bid shall be rejected.

Bidders whose form indicates that any of the SBE or DBE goals has not been met must submit a written report with supporting documents that demonstrates all actions taken by the bidder to meet the SBE/DBE goals prior to bid proposal submittal. The bidder should pay close attention to the Good Faith Efforts section (IV.A.3, pages 10-11) prior to completing the written report. If CCO requires further information following its review of the report, the bidder shall submit the requested information within five (5) days of bid.

SFPW SBE/DBE Form No. 2 – SBE/DBE Contractor/Subcontractor Participation – Good Faith Efforts

This form must be completed and submitted along with compelling documentation detailing the good faith efforts made to meet the SBE and DBE participation goals if the information submitted on SFPW SBE/DBE Form No. 1 indicates that the any of the SBE or DBE goals has not been met. This form should be submitted regardless of whether the proposer's Contractor/Joint Venture and Subcontractor Participation Report (SFPW Form No. 1) indicates that the SBE and DBE goals have been met. If CCO requires further information following its review of the report, the bidder shall submit the requested information within five (5) days of bid.

SFPW SBE/DBE Form No. 2A – Bidders List

SFPW will create and maintain a Bidders List consisting of all firms bidding on prime contracts and bidding or quoting on subcontracts on Federal and State-assisted projects. For every firm, the following information must be included: firm name, firm address, firm status as an SBE, DBE, or non-SBE/DBE, the age of the firm, and the annual gross receipts of the firm.

SFPW SBE/DBE Form No. 2B – SBE/DBE Bidder/Subcontractor – Gross Revenue Declaration

An SBE/DBE Bidder and listed SBE/DBE subcontractor or supplier, including lower tier subcontractors, must complete this form. The prime contractor shall collect the completed form(s) and submit with its proposal on the proposal due date or within five (5) days of bid. The SBE/DBE Contractor and listed SBE/DBE subcontractors or suppliers will need to submit this form attesting, under penalty of perjury, that its total average gross revenues for the past five years are equal to or below the income threshold for the specific category of the contract.

SCHEDULE B – Joint Venture Participation Form

A Joint Venture that claims SBE/DBE participation at the prime contractor level must submit a Joint Venture Participation Form (Schedule B) plus a joint venture agreement. Each joint venture partner must have an appropriate valid contractor license as required in the contract documents. Contact CCO to obtain a copy of Schedule B.

B. TO BE SUBMITTED WITHIN FIVE (5) DAYS OF BID OPENING:

SFPW SBE/DBE Form No. 3 – Construction Employment Information

Any bidder, joint venture partner, and every listed subcontractor with a subcontract of \$10,000 or more shall complete this form. The apparent low Bidder shall submit this form directly to SFPW Contract Compliance Office by 4:00 p.m. on the fifth business day after Bid opening.

This form must be completed and returned in a timely manner, or the bid may be determined non-responsive and rejected. Subcontractors are required to sign this form under penalty of perjury.

SFPW SBE/DBE Form No. 4 – Subcontractor Participation Declaration

This form is to be submitted by the prospective prime contractor and subcontractor, as appropriate, to confirm and identify the use of all firms. All bidders shall submit a completed form either with the bid proposal or immediately after bid opening but no later than 4:00 p.m. on the fifth business day after bid opening unless an extension of time is granted by SFPW CCO.

Subcontractors using SBEs/DBEs as lower tier subcontractors, suppliers, or service agents shall also submit this form. The form may be submitted with the bid proposal or immediately after bid opening but no later than 4:00 p.m. on the fifth business day after bid opening unless an extension of time is granted by SFPW CCO.

SFPW SBE/DBE Form No. 5 – Small Business Enterprise/Disadvantaged Business Enterprise Acknowledgement Declaration

Each listed SBE/DBE subcontractor or supplier, including lower tier subcontractors, must submit the completed forms to the apparent low bidder. The apparent low bidder shall submit the completed forms and copies of the subcontractors' or suppliers' bid quotations to SFPW CCO no later than 4:00 p.m.

on the fifth business day following bid opening unless an extension of time is granted by CCO.

SFPW SBE/DBE Form No. 6 – Federal SBE Subcontractor Participation Affidavit

This form shall be completed to be completed by SBE/DBE/LBE/MBE/WBE/DVBE/VOSB subcontractor or supplier (including lower tier subcontractors) and submitted to the apparent low Bidder. The apparent low Bidder shall submit the completed affidavits and copies of the subcontractors' or suppliers' bid quotations to the SFPW CCO no later than 5:00 p.m. on the fifth business day following the Bid opening.

SFPW SBE/DBE Form No. 6A – Federal SBE Trucking

This form shall be completed when the apparent low Bidder will be utilizing SBE/DBE, LBE, MBE, WBE, DVBE AND VOSB certified SBE trucking firms. This form is to be completed to describe the complete scope of trucking work to be performed for the Contract and submitted to the SFPW CCO by 5 p.m. on the fifth day following Bid opening.

C. CONTRACTOR POST-AWARD FORMS

SFPW SBE/DBE Form No 7 – Progress Payment Report

This form shall be completed by the Contractor, including each joint venture partner, and submitted to the Resident Engineer and SFPW CCO with monthly progress payment applications after contract award. Contractors must provide information and documentation indicated in Section 2 of the form for the preceding period for SBE/DBE joint venture partners and all subcontractors, suppliers, and truckers that are utilized.

SFPW SBE/DBE Form No. 8 – Contractor Exit Report and Declaration

Contractors, including all joint venture partners, if any, shall complete and submit this form to SFPW CCO and the Resident Engineer Office with its final progress payment application. Contractor must have this form signed by all SBE/DBE joint venture partners and all subcontractors, suppliers, and truckers.

SFPW SBE/DBE Form No. 9 - Subcontractor Payment Affidavit

The Contractor shall pay its subcontractors for work that has been satisfactorily performed no later than three (3) days after the Contractor's receipt of progress payments from the SFPW. Within five (5) working days of such payment, Contractor shall submit satisfactory evidence that it has promptly paid subcontractors for the work they have performed electronically via the Contract Awarding Authority's City approved system. Failure to provide such evidence shall be cause for the City to suspend progress payments to the Contractor.

SFPW SBE/DBE Form No. 10 – Declaration-Modification of Construction Contract

The Contractor shall complete this form when processing all modifications, supplements or change orders that cumulatively increase the original amount of the contract. All prime contractors, individual joint venture partners, subcontractors and any other vendors participating in any modification must be listed.

PART THREE

EMPLOYMENT WORKFORCE GOALS

I. General

Executive Order 11246, as amended, including the implementing regulations in 41 CFR Parts 60-1 through 60-50, prohibits discrimination and requires affirmative action to ensure equal employment opportunity without regard to race, color, sex, and/or national origin. In order to be eligible to bid or have a bid considered for the work or works of improvement contemplated by this contract, each bidder shall, by affixing his/her signature on the bid proposal or contract document, agree to abide by a nondiscrimination program in employment that conforms to the requirements. (These requirements apply to contractors with a covered Federal contract in excess of \$10,000).

Further, Federal law requires that contractors adhere to Section 102 of the Americans With Disabilities Act, as amended, 42 USC § 12112, and implementing regulations at 20 CFR Part 1630, pertaining to employment of persons with disabilities

II. Employment Goals for Trade Participation

This provision applies to all solicitations or bids on construction contracts in excess of \$10,000:

Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity
(Executive Order 11246)

1. The Offeror's or Bidder's attention is called to the "Equal Opportunity Clause" and the "Standard Federal Equal Employment Specifications" set forth herein.
2. The goals for minority and female participation, expressed in percentage terms for the Contractor's aggregate workforce in each trade on all construction work in the covered area, are as follows:

Goals for Minority Participation in Each Trade	Goals for Female Participation in Each Trade
25.6%	6.9%

These goals are applicable to all the Contractor's construction work (whether or not it is Federal or federally assisted) performed in the covered area. If the contractor performs construction work in a geographical area located outside of the covered area, it shall apply the goals established for such geographical area where the work is actually performed. With regard to this second area, the contractor also is subject to the goals for both its federally involved and non-federally involved construction.

The Contractor's compliance with the Executive Order and the regulations in 41 CFR Part 60-4 shall be based on its implementation of the Equal Opportunity Clause, specific affirmative action obligations required by the specifications set forth in 41 CFR 60-4.3(a), and its efforts to meet the goals. The hours of minority and female employment and training must be substantially uniform throughout the length of the contract, and in each trade, and the contractor shall make a good faith effort to employ minorities and women evenly on each of its projects. The transfer of minority or female employees or trainees from Contractor to Contractor or from project to project for the sole purpose of meeting the Contractor's goals shall be a violation of the contract, the Executive Order and the regulations in 41 CFR Part 60-4. Compliance with the goals will be measured against the total work hours performed.

3. The Contractor shall provide written notification to the Director of the Office of Federal Contract Compliance Programs within 10 working days of award of any construction subcontract in excess of \$10,000 at any tier for construction work under the contract resulting from this solicitation. The notification shall list the name, address and telephone number of the subcontractor; employer identification number of the subcontractor; estimated dollar amount of the subcontract; estimated starting and completion dates of the subcontract; and the geographical area in which the subcontract is to be performed.
4. As used in this Notice, and in the contract resulting from this solicitation, the "covered area" is the San Francisco-Oakland Standard Metropolitan Statistical Area.

III. Good Faith Efforts

Contractor and its subcontractors shall make good faith efforts to eradicate and prevent barriers to equal employment opportunity. The contractors should engage in outreach and other efforts to broaden the pool of qualified candidates to include minorities and women. These goals are targets for recruitment and outreach and should be reasonably attainable by means of applying good faith efforts.

IV. COLLECTIVE BARGAINING AGREEMENT PROVISIONS

Neither the provisions of a collective bargaining agreement, nor the failure by a union with whom the contractor has a collective bargaining agreement, to refer either minorities or women shall excuse the contractor's obligations under the contract specifications. See 41 CFR § 60-4.3 (a) 7.d in part requires the contractor/subcontractor to notify the Office of Federal Contract Compliance Programs when the contractor/subcontractor has information that the union referral process has impeded the contractor's efforts to meet its EEO and affirmative action obligations.

V. WORKING ENVIRONMENT

Contractors and subcontractors must maintain a work environment free of harassment, intimidation, and coercion at all sites and in all facilities at which the contractor's employees are assigned. (41 CFR 60-4.3(a) 7.a.)

Contractors must also take specific steps to ensure that all foremen, superintendents, and other on-site supervisory personnel are aware of and carry out the company's contractual obligation to maintain such a working environment, with specific attention to minorities and women at all work sites and facilities. In addition, contractors that assign more than one woman to each construction project should retain records of such assignments.

VI. FACILITIES

Contractors and subcontractors must ensure that all facilities and company activities are non-segregated except that separate or single-user toilets and necessary changing facilities designed to assure privacy between the sexes shall be provided. (41 CFR 60-4.3 (a) 7.n.)

VII. OUTREACH

Contractor will utilize the outreach groups designated or approved by SFPW for recruiting minorities and women for apprenticeship to the fullest extent permitted by any collective bargaining agreement or other contract or understanding to which Contractor is a party, and will notify every joint apprenticeship committee covering its workforce. Furthermore, contractors/subcontractors must send notice to its recruitment sources for women and minorities announcing acceptance of applications for apprenticeship or other training.

VIII. LABOR CODE 1777.5 RATIO

Contractor agrees that the ratio of apprentices to journey persons employed by the Contractor on this job will comply with the ratio required on public works projects by California Labor Code Section 1777.5.

IX. COMPLIANCE REVIEW MEETINGS

An authorized representative of the Contractor, its subcontractors and suppliers will actively participate in periodic compliance review meetings with a representative of CCO to review progress and problems concerning the implementation of these requirements. The authorized representative of the company in attendance must have authority to commit the organization. Contractor shall be responsible to notify and to require the attendance of its subcontractors at such meetings. In addition, CCO may ask to see documented evidence of a contractor's compliance efforts and provide input or suggestions on how best to remedy any discriminatory practices or regulatory violations.