

# **SBE INSTRUCTIONS TO BIDDERS/PROPOSERS AND FORMS**

## **METRO'S EQUAL OPPORTUNITY POLICY**

It is the policy of the Los Angeles County Metropolitan Transportation Authority (Metro) and the Public Transportation Services Corporation (PTSC) to provide equal opportunity in procurement and contracting actions to each Bidder, Offeror or Proposer in connection with their projects. It is the policy of metro and the PTSC that no person or business shall be discriminated against in any procurement or contracting action because of race, color, ancestry, religious creed, national origin, physical disability (including HIV & AIDS), mental disability, medical condition (including cancer), age (over 40), marital status, veteran status, or any other status protected by applicable federal or state statutes.

## **S100 AN SBE PARTICIPATION GOAL HAS BEEN ESTABLISHED**

The Los Angeles County Metropolitan Transportation Authority (Metro) has established a goal for Small Business Enterprise (SBE) participation for this state and/or locally-assisted project. The goal was announced in the Letter of Invitation.

Guidelines to help each Bidder, Offeror or Proposer obtain enough SBE participation to meet the goal and to help document that it made adequate good faith efforts to meet the goal start in, 'SUGGESTED METHODS TO MEET THE GOAL AND DOCUMENT THE EFFORTS MADE,' at paragraph S120 of these instructions.

## **S101 BIDDER RESPONSIVENESS**

Bidder responsiveness includes, but is not limited to, the following SBE requirements.

A bidder must have either:

- (a) Achieved the SBE goal set forth in the bid or proposal, or, if the goal was not achieved,
- (b) Documented to Metro's satisfaction that good faith efforts requirements are satisfied.
  - (1) Documentation of a bidder's good faith efforts shall be submitted within 48 hours of Metro's request for the documentation.
  - (2) A bidder shall be deemed to have exercised good faith efforts only if the bidder satisfies Metro that it complied with each of the good faith efforts criteria, thereby scoring at a minimum 75 of 100 points.

Please note: contractors that fail to fully comply with the literal requirements for each good faith effort criteria shall be scored accordingly and be deemed non-responsive.

## **S101.2 INFORMATION MUST BE CURRENT ACCURATE AND COMPLETE**

The Bidder, Offeror or Proposer shall ensure all required information provided in response to this procurement is current, complete and accurate. Metro will perform an independent review and assessment of the data and information provided.

## **S101.3 RESOLUTION OF ISSUES WITH THE SBE PROGRAM OR WITH STATE LAW**

The Small Business Enterprise (SBE) Program, approved by metropolitan Transportation Authority (Metro) Board of Directors, is hereby incorporated herein by reference as though set forth in full. Any error, omission, ambiguity or conflict that may arise between these, "Instructions to Bidders, Offerors or Proposers," and metro's SBE Program or California law shall be resolved first in favor of California law and then in favor of metro SBE Program. Failure by a Bidder, Offeror or Proposer or its subcontractors, consultants or other sources to carry out these requirements may be grounds for a finding of non-responsiveness or for metro to resort to such other remedy as Metro deems appropriate.

## **S102 CERTIFICATION CONSIDERATIONS IN BID & PROPOSAL PREPARATION**

### **S102.1 CERTIFICATION IS GOVERNED BY THE SBE PROGRAM ESTABLISHED BY Metro**

Only firms certified as eligible SBEs may participate in the SBE Program. Metro has a responsibility to ensure that the only firms who participate in Metro's SBE program are those certified as eligible SBEs under the SBE Program established by Metro. Certification as an SBE means the firm has followed the procedures and met the standards described in metro SBE Program.

### **S102.2 Metro GRANTS SBE CERTIFICATION**

Firms desiring SBE certification in connection with Metro projects must be certified by metro. Metro currently does not accept nor does it have reciprocity agreements with other agencies that have similar programs. In the FORMS, SBE firms must identify that they are SBE certified by metro.

### **S102.3 VERIFY THAT SBE CERTIFICATION IS CURRENT**

Firms participating in the contract as SBE firms must be SBE Certified in order for their participation to count toward the contract's SBE commitment. Where applicable metro will seek to enter into SBE reciprocity agreements with agencies that have established similar programs. All SBE firms shall be certified at the bid/proposal opening or proposal due date.

Bidders, Offerors and Proposers must verify that each business it represents to be a certified business, does in fact, hold up-to date, current SBE certification. SBE Certification is granted for a two (2) year period and verified annually. Up-to-date, current certification must be verified prior to the date of bid opening or proposal submittal.

Due to rapid changes in SBE firms' certification status all Bidders, Offerors or Proposers shall contact DEO certification reps to obtain written verification of the certification status and the SIC or NAIC codes of proposed listed SBE firms.

## **S102.4 Metro DIRECTORY**

SBE firms certified by Metro shall be listed in Metro's DIRECTORY OF CERTIFIED FIRMS. The directory is published annually. It lists each SBE firm's name, address, telephone number and a description of the goods or services offered. The directory is also available on the Internet at, [www.metro.net](http://www.metro.net), metro Website. Do not rely on the directory for verification of the SBE's status as current or up-to date.

## **S 102.5 BIDDERS RESPONSIBILITY**

Bidders are solely responsible for obtaining verification of the current status of any SBE firm.

### **(a) THE SBE DIRECTORY**

The certification directory merely lists those firms that have applied to Metro and have been granted certification. The directory, however, makes no claim as to the SBE firm's immediate availability, nor as to their expertise or capabilities to perform.

### **(b) BIDDERS, OFFERORS & PROPOSERS VERIFY SBE STATUS**

Bidders, Offerors and Proposers shall also verify the listed SBEs by contacting Diversity and Economic Opportunity. To ensure SBE participation for goal credit, Bidders Offerors and Proposers shall verify the listed DBE's certification status according to NAISC or SIC certification.

Requests for verification of a firm's SBE certification status, granted by Metro, can be sent by FAX to (213) 922-7660. This is metro Diversity and Economic Opportunity (DEO) FAX number. It is recommended that verification be made within 72 hours of the bid/proposal due date. For information or questions concerning certification, call metro Certification Hotline at (213) 922-2600. Metro will independently verify the certification status of each business represented to be an up-to-date, currently certified SBE business.

### **(c) FIRMS WITH RECERTIFICATIONS PENDING**

Firms pending SBE re-certification are considered certified and are eligible for participation unless de-certified)

### **(d) APPLICATION FOR CERTIFICATION**

An application for certification by Metro may be filed by submitting SCHEDULE C (for individual business concerns) or Schedule B (for joint ventures). If the SBE is a joint venture partner, a Schedule B form and a copy of the joint venture agreement must be submitted to Metro for approval at least ten (10) working days prior to bid or proposal opening.

## **S102.6 SBE COMPLIANCE & CERTIFICATION ADDRESSES "FRAUDS AND FRONTS"**

Bidders/Offerors and Proposers are hereby cautioned against knowingly and willfully using "fronts" to meet the SBE goal. Only legitimate certified SBEs are eligible to participate on non-federally funded contracts. The use of "fronts" and "pass through" subcontracts to non-SBE firms may constitute criminal violations. Any indication of fraud, waste, abuse, or mismanagement of these

funds found by Diversity and Economic Opportunity Representatives shall be immediately reported to Metro's Office of Inspector General. Individual citizens aware of such violations may report to Metro such incidents to metro Certification Hotline at (213) 922-2600.

## **S103 HOW SBE CERTIFICATION IS AWARDED TO APPLICANT BUSINESSES**

This discussion of certification of selected businesses serves as an overview of SBE Certification to inform those preparing bids or proposals, it is not intended to be an in-depth discussion of SBE certification requirements. If your business is not a certified SBE, do not presume your business to be eligible or ineligible, based on this brief discussion.

Certification is the process by which all firms seeking to participate in the SBE program are determined to meet the SBE eligibility standards of the SBE Program. SBE certification letters issued by Metro evidence that a firm has satisfied the procedures and met the standards of metro's SBE Program as a Small Business Enterprise (SBE).

The SBE Program is a race and gender-neutral program specifically designed to increase the availability of contracting opportunities for small businesses on Metro state or locally funded negotiated procurements.

### **S103.1 CERTIFICATION STANDARDS & PROCEDURES ARE DESCRIBED IN THE CERTIFICATION INSTRUCTIONS**

Metro follows certification standards and procedures outlined in the Small Business Administration (SBA). Program to determine whether a business meets the SBE eligibility standards.

These certification standards are described in more detail in the Certification Instructions, available, along with the Application for Certification, from Diversity and Economic Opportunity Representatives. Interested individuals or companies will start the process by visiting the offices of the Diversity and Economic Opportunity Representatives to pick up an SBE Application and Instructions.

### **S103.2 SBE CERTIFICATION STANDARDS**

SBE Certification Standards are defined by the SBE Program established by Metro. Each applicant for SBE Certification must demonstrate to Metro's certification authority that the applicant meets the criteria of the SBE Program concerning economic disadvantage (personal net worth), business size, ownership and control.

### **S103.3 NAICS BUSINESS SIZE STANDARDS**

Metro defines an eligible SBE firm, including its affiliates, as an existing small business, defined by the US Small Business Administration (SBA) standards (found in federal regulations at 13 CFR part 121 and 124,) appropriate to the type of work that the firm seeks to perform on the project. Further, the applicant firm can only be deemed eligible for participation in the SBE Program if the firm, including its affiliates, meets the size standard promulgated in 13 CFR Part 121 (North American Industry Classification System (NAICS) limits) and has had average gross

receipts over the previous three years of less than \$17.4 million. The SBA, adjusts this amount for inflation from time to time.

#### **S103.4 ECONOMIC DISADVANTAGE**

Certification of economic disadvantage, including signed notarized Statements of Personal Net Worth (PNW) and supporting documentation is required. The PNW of each socially and economically disadvantaged owner cannot exceed \$250,000. Exceeding \$250,000 will disqualify the firm from DBE certification. The PNW EXCLUDES the individual's ownership interest in the applicant firm and the equity in his/her primary residence. If a Statement of PNW that an individual submits shows that the individual's personal net worth exceeds \$250,000 the individual's economic disadvantage is rebutted and the person is not a qualified SBE owner.

#### **S103.5 REAL SUBSTANTIAL AND CONTINUING ECONOMIC JUSTIFICATION**

A firm's ownership by socially and economically disadvantaged individuals must be real, substantial and continuing, going beyond pro forma ownership of the firm as reflected in the ownership documents.

#### **S103.6 SBE FIRM INDEPENDENCE MUST BE BEYOND "PRO FORMA"**

The firm must also be independent, one the viability of which does not depend on its relationship with another firm or firms.

#### **PARAGRAPHS S104 THROUGH S109 ARE RESERVED**

#### **S110           DEFINING THE WORK TO BE COUNTED AND CALCULATED (CALCULATING AND COUNTING SBE PARTICIPATION)**

Bidders, Offerors and Proposers must define the portions of the work they intend to place with Small Business Enterprise (SBE) firms. Doing so will help each Bidder Offeror or Proposer achieve SBE participation goals, make good faith efforts and meet the level of SBE participation commitments. Metro calculates and counts SBE participation toward goal achievement.

The Director, Diversity and Economic Opportunity, will resolve calculation and counting disagreements. The Director's decision is final.

Rules for calculating and counting SBE participation are defined by the SBE Program and by Metro counting and calculating rules and regulations, as described below. Metro provides FORM 6, THE CONTRACTOR'S COUNTING & CALCULATING REPORT" to help each business properly identify those expenditures that count toward the contract goal and those that do not. FORM 6 is evidence of, "Good Faith Efforts," for the limited purpose of helping contractors document their counting and calculation of credit toward achieving the contract goal. "Good Faith Efforts" is discussed starting at paragraph S120, below.

#### **S111           SBE PARTICIPATION IN DOLLAR VALUES**

The bidder shall indicate each SBE's contract participation, expressed as an estimated dollar value.

- a. An SBE must perform a commercially useful function, that is, must be responsible for the execution of a distinct element of the work and must carry out its responsibility by actually performing, managing and supervising the work. In light of standard industry practices and other relevant considerations, the SBE must have a necessary and useful role in the transaction of a kind for which there is a market outside the context of the SBE Program.
- b. Credit for participation of SBE vendors of materials and supplies is counted as follows:
  1. Sixty (60%) of expenditure(s) for equipment, materials, and supplies obtained from a regular dealer.
  2. One-Hundred (100%) percent of expenditure(s) for materials and supplies obtained from a SBE Supplier who substantially alters the material before resale.
- c. The Fees or commissions paid to SBE consultants, brokers, and packagers may be counted toward the goal, provided that the fee or commission is reasonable and not excessive. Bidders are required to submit documentation to justify fees and commissions customarily allowed for similar services with proposals on package due date.
  1. The fees or commissions charged for providing bona fide services such as professional and technical, or procurement of essential personnel, facilities, equipment, materials, or supplies required for performance of the contract.
  2. The fees charged for delivery of materials and supplies required on a Work site (but not the cost of the materials or supplies themselves) when the hauler, trucker or delivery service is licensed and is not also the manufacturer of, or a regular dealer, in the materials and supplies.
  3. The fees charged for Bond and insurance may be counted toward the goal if the bond or insurance is required for the performance of the contract.
  4. Awards/expenditures in contracts with businesses that are joint ventures may be counted on the basis of percentage of ownership of the eligible SBE and following Metro's determination of the JV meeting the standards, control and ownership requirements in the joint venture.
  5. In calculating the total SBE utilization percentage, the Bidder/Proposer shall include the percentage of Total Contract Price:
    - a. Of all SBE Subcontractors;
    - b. Of all materials, supplies, trucks, & equipment to be supplied by SBEs; and;
    - c. Performed with its own forces.

If the Bidder/Proposer is a Joint Venture Participant, only the SBE's proportionate interest in the Joint Venture shall be calculated.

**S112 SBE BUSINESSES LATER DENIED PRE-QUALIFICATION**

All businesses seeking to compete for contracts with metro of One Hundred Thousand Dollars (\$100,000) or more, shall complete a pre-qualification questionnaire prior to doing business with metro. Please contact the Pre-Qualification Office by telephone at (213) 922-4130 or send an e-mail to, pre-qual@mta.net, for the most current information. They can be reached my mail at:

METROPOLITAN TRANSPORTATION AUTHORITY  
MAILSTOP 99-21-3  
ONE GATEWAY PLAZA  
LOS ANGELES, CA 90012-2952  
ATTN: CONTRACTOR PRE-QUALIFICATION OFFICE

If a Bidder, Offeror or Proposer has listed an SBE Subcontractor, which is later denied PREQUALIFICATION, the Bidder, Offeror or Proposer must submit documentary evidence of the efforts it made to replace the SBE with another SBE firm before the contractor is granted approval to substitute with a non-SBE firm. Sufficient efforts include at a minimum, but are not limited to, a dated log of SBE names, contact persons, phone numbers, and methods used for following up on solicitations. The Bidder, Offeror or Proposer is required to contact a portion of those SBE firms identified by metro and provided in Attachment I, List of Certified Firms. Adequate contact is defined in the Table below:

Number of SBEs Identified by Metro	Number or Percentage to Contact
5 or less	Contact all on list
6 – 10	Contact at least 5
11-50	Contact at least 50%
51 or more	Contact at least 25

This table provides assistance in the definition of adequate contacts required with respect to good faith efforts needed before replacing an SBE contractor or source with a non-SBE contractor or source.

**PARAGRAPHS S113 THROUGH S119 ARE RESERVED**

**S120 SUGGESTED METHODS TO MEET THE GOAL AND DOCUMENT THE EFFORTS MADE**

To determine whether a competitor who failed to meet the SBE contract goal may be further considered for contract award, Metro must determine whether the efforts taken to obtain SBE participation satisfy the good faith efforts requirement. Metro's good faith efforts requirements follow:

- a. If the Proposer has not met the stated SBE goal, documentation of its Good Faith Efforts shall be submitted to the Contract Administrator in the proper form and content prescribed by Metro within 48 hours from the request by metro.
- b. Proposers who do not meet the SBE goal must, at a minimum, undertake all of the following efforts, to satisfy the requirement that the Proposer made Good Faith Efforts to comply with the SBE goal.
- c. Passing good faith efforts requires a minimum of 75 of 100 points. Each item is evaluated on a pass/fail basis. Either full or zero (0) points received for compliance with each item. Efforts and evidence for each item is detailed in the Instructions to Bidders.

## **S120.1 DESCRIPTION OF THE KINDS OF ACTIONS CONSTITUTING GOOD FAITH EFFORTS**

The following are the kinds of actions generally considered by Metro to be necessary and reasonable. Bidders, Offerors and Proposers are encouraged to undertake these kind of actions. Many contractors on past Metro contracts have employed these actions and demonstrated that they can be quite successful employing these actions to achieve SBE goals. This list of actions and the required documentation are addressed in detail in the following paragraphs.

- (1) ADVERTISEMENT
- (2) NOTIFICATION TO SMALL BUSINESS ORGANIZATIONS COMMUNITYGROUPS
- (3) SELECT PORTION OF THE WORK TO BE SUBCONTRACTED
- (4) WRITTEN REQUEST FOR PROPOSAL / SPECIFICATION INFORMATION
- (5) SOLICITATION FOLLOW-UP
- (6) ASSISTANCE IN OBTAINING BONDS & INSURANCE
- (7) ATTEND PRE-PROPOSAL CONFERENCE
- (8) LIST OF SUBCONTRACTORS SUBMITTING PROPOSALS

- a. The achievement of Good Faith Efforts will be based on evaluation of the following criteria:

### **1. ADVERTISEMENT (15 points)**

**Effort:** Proposers shall advertise in at least one newspaper of general circulation media, at least one trade association publication, and at least one small business focused media. The advertisement shall include, at a minimum, the name of the newspaper, company contact person, type of publication, circulation dates of advertisement, project name and number, date of proposal submittal date, description of subcontracting work solicited, and time and location where RFP/contract documents may be reviewed. The advertisement must further indicate Metro as owner and that the solicitation is in response to the authority's SBE requirements. Additionally, the advertisement must contain a statement of intention to conduct the requirements of the SBE program in good faith". Advertisements should appear at least 20 days prior to the Proposal submittal date to metro. If metro solicitation does not allow 20 days, a shorter publication time is acceptable.

**Evidence:** Include a list of advertisements placed, including a copy of the advertisements and/or tear sheets. Analyst must closely analyze the tear sheets to verify dates and adherence to requirements.

**Evaluation:** Number of Newspapers, Verification of Newspaper status, Definition of newspaper type, where newspaper (directory), circulation - should be reviewed as to consistency with 20-day period requirement.

## **2. NOTIFICATION TO SMALL BUSINESS ORGANIZATIONS AND COMMUNITY GROUPS (5 points)**

**Effort:** Notification must be made to outreach small business organizations listed in Metro Directory. Notification to organizations shall include at a minimum, a description of the scope of services, the company's contact person, and the proposal submittal date.

**Evidence:** Copies of letters, faxes, fax confirmation sheets, telephone logs, etc. used to contact organizations. The documentation must include names of organizations/groups, dates, names of contacts, and telephone numbers. Copies of correspondence received from any of these organizations/groups acknowledging contact by proposer shall be considered in assessing evidence of good faith effort. A minimum of five (5) organizations/groups, as listed in Appendix C, Part E of the Contract, must be attached.

**Evaluation:**

- Verify that contact was actually made, by calling a representative number of agencies solicited.
- Verify scope of work described was consistent with ad solicitation.
- Verify that contact was made for specific project and scope of work is consistent with project.

## **3. SELECT PORTION OF THE WORK TO BE SUBCONTRACTED (15 points)**

**Effort:** The Proposer shall determine which services it intends to perform with its own work force and those services that it intends to subcontract.

**Evidence:** Documents showing all the work that the Proposer intends to perform with its own work force and all the work that the Proposer has identified for subcontracting should be evidenced on the selected work categories form or a reasonable facsimile.

## **4. REQUEST FOR PROPOSAL, SPECIFICATIONS AND INFORMATION (10 points)**

**Effort:** Extend written Requests for Bid or Proposal to SBE firms for all services that the Proposer intends to subcontract and provide specification requirements to SBEs.

**Evidence:** Names, contact persons, addresses, phone numbers, and dates of all SBE firms solicited at least 10 days prior to proposal submittal date and by what means (letter, fax, phone, etc.). A copy of the solicitation letter must be included. Only

firms certified by Metro or by an agency with which Metro recognizes SBE certification will be taken into consideration.

- Verify log
- Check compliance within 10 days
- Check compliance with number of solicitations
- Copy solicitation letter
- Check certification status of SBE
- Firms not certified with Metro or by reciprocity cannot be counted towards the # required for solicitations.

**Note:** Determination of an adequate number of SBE's contacted shall depend on the number of SBE certified subcontractors available in each of the work categories that were identified by metro.

<b>Guidelines for Contracts for Work Categories:</b>	
Number of SBEs Identified	Guidelines for number of SBEs to Contact
5 or less SBEs	Contact all SBEs on list
6 to 10 SBEs	Contact at least five (5) firms on list
11 to 50 SBEs	Contact at least 50% of list
51 or more SBEs	Contact at least twenty-five (25) firms on list

**5. SOLICITATION FOLLOW-UP (15 points)**

**Effort:** Oral and/or written follow-up of initial solicitation of SBE firms.

**Evidence:** The Proposer shall maintain a log of the contacts made with SBE firms. The log shall include names, contact persons, phone numbers, dates and methods used for following up initial solicitation to determine whether or not SBEs were interested. Follow-up must be done with a minimum of 75% of the initial solicitations to Certified SBEs.

**6. ASSISTANCE IN OBTAINING BONDS AND INSURANCE (5 points)**

**Effort:** Offer assistance to SBE firms in obtaining bonding and insurance.

**Evidence:** A brief description of assistance provided by the Proposer to SBEs in obtaining bonding and insurance. (May be included in Letter of Solicitation and/or advertisement).

**7. ATTENDANCE AT PRE-PROPOSAL CONFERENCE (5 points)**

**Effort:** Attendance at the specific Pre-Proposal/Contract Conference scheduled by metro. Although attendance is optional, this is a good faith effort criteria. Only those firms represented, receive points on this item.

**Evidence:** Name and date of person(s) attending (verified by conference sign-in sheet).

**8. LIST OF SUBCONTRACTORS SUBMITTING PROPOSALS (30 points)**

**Effort:** The Proposer negotiated in good faith with SBEs and did not unjustifiably reject proposals prepared by any SBE.

**Evidence:** Names, addresses, dates, contact person, and phone numbers of all subcontractors who submitted proposals and copies of all proposals including telephone bids. State the reason for your choice of subcontractor. Submit documentation of good faith negotiations between subcontractor and prime. Bidders must have selected enough subcontracting item to meet the goal.

**S121 GOOD FAITH EFFORT RESPONSIVENESS DETERMINATION**

After all information has been evaluated, the SBE Program Office shall determine if the Proposer was responsive to Good Faith Efforts requirement. The SBE representative shall notify in writing the Contract Administrator, who shall notify the proposer of metro's decision concerning its responsiveness to the SBE requirements.

**S122 BIDDERS OBLIGATION**

Bidders' SBE Commitment - Bidders shall identify in their Bid (on the LIST of PROPOSED SUBCONTRACTORS/SUPPLIERS FORM) all of the SBEs proposed to participate in the contract, regardless of their percent of participation. The following information must be provided:

- a. The bidder shall identify how SBE firms will participate on the contract. The SBE goal may be satisfied by a commitment to SBE participation by the following methods: the contractor as a SBE prime contractor, joint venture partner, subcontractor, regular dealer, broker, supplier, or service provider.
- b. On this same form the bidder must also list itself as a certified SBE if it intends to use itself towards the goal; joint venture partner, subcontractor, trucker, regular dealer, supplier, broker, or manufacturer. A description of work to be performed and the total dollar value of the work must be indicated. Note: The dollar value indicated will be the basis from which Metro will calculate the eligible SBE amount to be counted. Thus with a regular dealer, supplier, or broker, the actual amount counted will differ from the total subcontract amount. The complete legal business name as used for SBE certification shall be identified on the form.
- c. The bidder shall indicate the business location for each SBE as well as other pertinent information requested.

- d. The bidder shall provide a complete description of work to be performed, materials supplied, and service or broker function to be performed by each SBE firm listed.

### **S123 GOOD FAITH EFFORT REQUIREMENTS & RESPONSIVE BIDDERS**

- a. Bidders who fail to meet the SBE goal shall submit good faith effort documentation upon request of metro. Any of the following conditions constitute failure to meet the goal and will require submittal of good faith effort documentation:
  - i. The total percentage participation by SBE firms reflected in the LIST OF PROPOSED subcontractors is less than the SBE goal set forth in the Bid/Proposal.
  - ii. Firms listed toward meeting the SBE goal but are not properly certified by Metro, SBA or any agency with which reciprocity certification exists as of the bid/proposal opening/due date.

SBE firms pending re-certification by Metro at the time of bid/proposal opening/due date shall be deemed certified for the purpose of being credited toward the goal.

### **PARAGRAPHS S124 THROUGH S129 ARE RESERVED**

### **S130 FORMS SECTION**

Complete and submit the forms, FORM 1 through FORM 7, with the bid or proposal. Form 7a will be submitted only if requested by the Diversity and Economic Opportunity Representative at Metro.

FORM 1	LIST OF PROPOSED SUBCONTRACTORS & SUPPLIERS
FORM 2	DECLARATION OF CERTIFICATION STATUS
FORM 3	BUSINESS DATA SHEET
FORM 4	PRIME CONTRACTOR COMMITMENT / SBE CONFIRMATION FORM
FORM 5	GOAL DECLARATION FOR BIDDERS, OFFERORS OR PROPOSERS
FORM 6	CONTRACTOR'S COUNTING AND CALCULATING REPORT
FORM 7	SUMMARY OF COUNTING AND CALCULATING REPORT
FORM 7a	COUNTING AND CALCULATING WORKSHEETS

#### **S130.1 INSTRUCTIONS: FORM 1, LIST OF PROPOSED SUBCONTRACTORS & SUPPLIERS**

Identify all businesses planned to participate in the contract resulting from this procurement on FORM 1, "LIST OF PROPOSED SUBCONTRACTORS, SUPPLIERS." Name the participating business, provide the dollar value of their portion of the work, the percentage of the participating business's price to the total contract price set by the prime contractor and state whether the participating business is an SBE.

Also, in Column 2, indicate whether the subcontractor will be a prime contractor to the e next lowest tier. If so, such next tier prime shall complete a Form 1 naming their next tier subcontractors and submit all the forms and information expected of this Prime Contractor.

By entering the name of a subcontractor on this FORM 1, the Prime Contractor indicates its intention to enter into a formal agreement for the work with the named Subcontractor, Supplier or other Source conditioned on the named Bidder, Offeror or Proposer being awarded this contract by metro.

Failure to provide completed forms may be cause for Metro to deny the bid or proposal as non-responsive.

**FORM 1 - LIST OF PROPOSED SUBCONTRACTORS & SUPPLIERS**

RFP or IFB Number: \_\_\_\_\_

Project/Program Name: \_\_\_\_\_

Col. 1 NAMES OF SUBCONTRACTORS SUPPLIERS OR OTHER SOURCES	Col. 2 PRIME AT NEXT TIER? (Y/N)	Col. 3 \$ VALUE OF WORK	Col 4 % of Total Price	Col 5 SBE? Yes/No
PRIME CONTRACTOR NAM		PRIME'S PRICE	<u>100%</u>	
1. _____	_____	_____	_____ %	_____
2. _____	_____	_____	_____ %	_____
3. _____	_____	_____	_____ %	_____
4. _____	_____	_____	_____ %	_____
5. _____	_____	_____	_____ %	_____
6. _____	_____	_____	_____ %	_____
7. _____	_____	_____	_____ %	_____
8. _____	_____	_____	_____ %	_____
9. _____	_____	_____	_____ %	_____
10. _____	_____	_____	_____ %	_____
11. _____	_____	_____	_____ %	_____
12. _____	_____	_____	_____ %	_____
13. _____	_____	_____	_____ %	_____
14. _____	_____	_____	_____ %	_____
15. _____	_____	_____	_____ %	_____
16. _____	_____	_____	_____ %	_____
17. _____	_____	_____	_____ %	_____
18. _____	_____	_____	_____ %	_____

Total Value of Work, This Page (Add Line 1 thru Line 18) \_\_\_\_\_

## **S130.2 INSTRUCTIONS FOR FORM 2: DECLARATION OF SBE CERTIFICATION STATUS**

Each business, whose participation is to be counted toward the contract goal, must submit with the bid or proposal, a completed and signed, FORM 2, DECLARATION OF SBE CERTIFICATION STATUS.

### **BUSINESSES THAT ARE JOINT VENTURES**

If your business is a Joint Venture, attach a copy of the Joint Venture Agreement to this form. Attach also, a copy of the most recent SBE Certification Letter from each SBE participant in the Joint Venture.

### **BUSINESSES THAT ARE NOT A JOINT VENTURE**

If your business is not a Joint Venture, attach a copy of your business's most recent SBE Certification Letter. Businesses that are not participants in a Joint venture need to submit only one copy of the certification letter attached to the completed FORM 2, DECLARATION OF SBE CERTIFICATION STATUS.

### **BUSINESSES THAT ARE PARTICIPANTS IN A JOINT VENTURE**

Businesses that are participants in a Joint Venture will submit two copies of their SBE Certification Letter. One copy of the SBE certification letter will be attached to the FORM 2, completed by their business, independently documenting the business as an SBE. The second copy of their business's SBE Certification Letter is attached to the FORM 2, completed by the Joint Venture, documenting their status as an SBE participant in that Joint Venture.

Failure to provide these completed forms and the accompanying documents may be cause for Metro to deny the bid or proposal as non-responsive. Individual businesses failing to provide a completed form will be presumed not certified and their participation will not be counted.

## FORM 2 - DECLARATION OF SBE CERTIFICATION STATUS

Firms wanting their participation in this contract to count toward the contract goal for SBE participation must complete and sign this Declaration of Certification Status and attach the proper documentation. Metro requires the SBE certification of each business to be recognized by Metro, to be current and to be up-to-date. SBE requirements, including annual affidavits, must be satisfied, on or before the date the bid is opened or the proposal is due. Prime Contractors must independently confirm the required certification status of each business they are relying on to meet the contract goal.

- |   |                          |                          |
|---|--------------------------|--------------------------|
| 1. <b>BUSINESSES THAT ARE JOINT VENTURES</b>  | Yes                      | No                       |
| a. Is the Bidder, Offeror or Proposer a Joint Venture?  | <input type="checkbox"/> | <input type="checkbox"/> |
| b. If your business is a Joint Venture, is any participant in the Joint Venture a current and up-to-date SBE: | <input type="checkbox"/> | <input type="checkbox"/> |

Attach a copy of each participants most recent certification letter if your Joint Venture, includes at least one currently certified participant. Attach to this form a copy of your business's Joint Venture Agreement.

2. **BUSINESSES PARTICIPATING IN A JOINT VENTURE**

Yes    No

Is your business a participant in a Joint Venture?    

Name of Joint Venture: \_\_\_\_\_

3. **BUSINESSES NOT JOINT VENTURES NOR PARTICIPANTS IN A JOINT VENTURE**

Is your business, a current and up-to-date SBE:	Yes	No
	<input type="checkbox"/>	<input type="checkbox"/>

Attach with the bid or proposal.

4. **FEDERAL EMPLOYER IDENTIFICATION NUMBER:** \_\_\_\_\_ - \_\_\_\_\_

If the Bidder, Offeror or Proposer is a corporation, partnership or joint venture, this form must be signed by the President of the Corporation, a General Partner, or the President/General Partner of one of the Joint Venture participants. If it is signed by anyone else, provide proof confirming that the person signing this form is authorized to do so. By signing below, the Bidder, Offeror or Proposer authorizes metro to verify all information on all forms submitted with this proposal.

The undersigned declares, they are authorized to sign this declaration, and that the certification status of the Bidder, Offeror or Proposer, stated above, is current, accurate, complete and not misleading.

Company Name: \_\_\_\_\_

By: \_\_\_\_\_  
Signature of Person Authorized by the Firm to Sign this Form

\_\_\_\_\_  
Printed Name of Person Authorized by the Firm to Sign this Form

Title: \_\_\_\_\_ Telephone ( \_\_\_\_\_ ) \_\_\_\_\_

Date: \_\_\_\_\_

### **S130.3 INSTRUCTIONS FOR FORM 3: BUSINESS DATA SHEET**

Bidders, Offerors or Proposers will submit a completed, "BUSINESS DATA SHEET" for each business that will participate in the contract work. ALL FIRMS complete questions number 1 through 7. Prime Contractors, Joint Ventures and Joint Venture Participants and SBE firms complete questions number 1-17.

A completed form is required regardless of the price bid or proposed for the work, labor or goods & services to be provided. It is required even if the participant's price does not exceed 0.5% of the Prime Contractor's Total Bid or Proposal price. This form is provided to help satisfy requirements of the Code of Federal Regulations (CFR), California law and Metro policies and procedures. Bidders, Offerors and Proposers in a construction IFB or RFP completing this form satisfy those requirements of the California Public Contract Code, Section 4104, requiring disclosure of a contractor's name, business address and definition of the portion of the work they will do.

Describe your business by the type of economic activity or by your industry by using the North American Industry Classification System (NAICS). NAICS is the, "North American Industry Classification System Manual, United States." The Manual contains the categories, definitions and codes for all economic activity within twenty broad sectors. Describe your business briefly, completely, and accurately. Select one or more NAICS codes that fit the kinds of work your business does. Write the code number(s) and written description in the applicable Item #3-16. Describe the work your business seeks to do in this project and write the description and the NAICS Code number(s) in the applicable Item # 13-16. NAICS Codes can be obtained via the internet at: [www.census.gov/epcd/www/naics.html](http://www.census.gov/epcd/www/naics.html). Or they can also be obtained at: [www.ntis.gov/yellowbk/1nty205.htm](http://www.ntis.gov/yellowbk/1nty205.htm). A NAICS Manual will also be available for consultation from Diversity and Economic Opportunity Representatives at Metro.

Consider this form your business's resume for this procurement. Describe the knowledge, skills and abilities your business offers the project. Be specific when describing you, your employment and/or your business's experience (10 years) and projects and past performance (5 years). Do the same when you describe what your business seeks to do in this project. Identify the portion(s) of the Statement of Work (SOW) or the Work Breakdown code applicable to each portion of the work.

This form may be freely duplicated. One subcontractor and only one subcontractor shall be listed for any one portion of the work. Failure to provide these completed forms and the required documentation may be cause for the bid or proposal to be non-responsive.

### FORM 3 - BUSINESS DATA SHEET

All firms complete #1 thru 8. This Form May Be Freely Copied. Attach Continuation Sheets, If Needed. Page 1 of 2

1. Company Name: \_\_\_\_\_ 1a \$ \_\_\_\_\_  
Bid/Proposal Price
2. Street Address: \_\_\_\_\_  
PO Box or Street Address  
City State Zip
3. Mailing Address: \_\_\_\_\_  
PO Box or Street Address  
City State Zip
4. Contact Person's Name: \_\_\_\_\_ 5. Telephone \_\_\_\_\_
6. Age of Firm: \_\_\_\_\_ Years \_\_\_\_\_ Months
7. If your business a specialty contractor, please provide:  
Type of License: \_\_\_\_\_ License # \_\_\_\_\_ Expires on: \_\_\_\_\_
8. Annual Gross Receipts:  Less than \$500,000  \$1,000,000 to \$2,000,000  
of your business  \$500,000 to \$1,000,000  \$2,000,000 to \$5,000,000  
 Over \$5,000,000

1b. IS YOUR BUSINESS  
an SBE FIRM?  
Circle: YES NO

If your business is a Prime Contractor and/or a currently certified Small Business Enterprise (SBE), answer questions #9-16. If not, stop here & complete the signature block on the next page.

9. Value of SBE Work Counting Toward Contract Commitment\*: \$ \_\_\_\_\_  
Value of Work Not Counting Toward Commitment: \$ \_\_\_\_\_  
Total Contract Price \$ \_\_\_\_\_
10. How is this business related to the Bidder Offeror or Proposer?  
 Our business is one of \_\_\_\_\_ members of the, \_\_\_\_\_,  
Number Name of Joint Venture  
 A Joint Venture, the Prime Contractor submitting this bid offer or proposal to Metro.  
 Our business is the Prime Contractor submitting this bid, offer or proposal to Metro.  
 Our business is NOT the Prime Contractor to Metro.  
It is a subcontractor to \_\_\_\_\_ on this project.  
Name of Prime Contractor & Second Tier Prime, if applicable  
 Other, Please describe: \_\_\_\_\_
11. Is your business organized as a/an:  
 Corporation: \_\_\_\_\_ State of Incorporation: \_\_\_\_\_  
 S-Type Corporation State of Incorporation: \_\_\_\_\_  
 Partnership  
 Sole Proprietorship  
 Limited Liability Company (LLC):  
LLC In What State: \_\_\_\_\_
12. Will your business provide trucking company services on this project? If so, please complete items a. to c., below. If not, answer "Not Applicable."  
a. How many trucks does your company own? \_\_\_\_\_  
b. How many trucks does your company lease? \_\_\_\_\_  
c. How many trucks are registered to your company? \_\_\_\_\_

NAICS CODE(S) FOR THE BUSINESS: \_\_\_\_\_ FOR THIS PROJECT: \_\_\_\_\_

13. Does your business produce, in a factory or other establishment, any materials, supplies, articles or equipment described by this contract? If so, describe the items your business seeks to provide and the facilities where they will be produced, your business operations, past projects, past performance and experience. If this is not your business, state "Not Applicable."

Attached are \_\_\_\_\_ continuation pages. \_\_\_\_\_

NAICS CODE(S) FOR THE BUSINESS: \_\_\_\_\_ FOR THIS PROJECT: \_\_\_\_\_

14. Does your business own, operate or maintain a store, warehouse or other establishment from which materials, supplies, articles or equipment, generally described by this contract, will be bought, held in stock, regularly sold or leased to the public in the usual course of business? If so, identify the items you seek to furnish. Identify & describe the facilities from which they will be purchased. Describe your business operations, projects, past performance & experience. If not your business, answer "Not Applicable." Use NAICS code(s). Attached are \_\_\_\_\_ continuation pages. \_\_\_\_\_

NAICS CODE(S) FOR THE BUSINESS: \_\_\_\_\_ FOR THIS PROJECT: \_\_\_\_\_

15. Does your business serve as a packager, broker, manufacturer's representative, an arranger or expediter of transactions? Describe your business, its operations, facilities, past projects, performance and experience. Use NAICS Code(s). Describe the portion of the work you seek by SOW section, WBS element and NAICS Code(s). If not your business, answer, "Not Applicable." Attached are \_\_\_\_\_ continuation pages. \_\_\_\_\_

NAICS CODE(S) FOR THE BUSINESS: \_\_\_\_\_ FOR THIS PROJECT: \_\_\_\_\_

16. If your business isn't described above, do so here. Describe your business, its facilities, experience, & past performance and provide its NAICS code(s). Describe the work and preferred work location(s) you are seeking. Attached are \_\_\_\_\_ continuation pages.

The undersigned Director, Officer, General Partner, or similarly situated principal of the firm declares they are informed and believe, and thereon allege, that to the best of their knowledge, information and belief, the information set forth on both pages of this document and any attachments, is current, complete and accurate.

Company Name: \_\_\_\_\_

By: \_\_\_\_\_  
Signature of Director, Officer, General Partner or similarly situated Principal of the Firm

Printed Name of Person Authorized to Sign: \_\_\_\_\_

Title of Person Authorized to Sign: \_\_\_\_\_

Date: \_\_\_\_\_

## **S130.4 INSTRUCTIONS FOR FORM 4: PRIME CONTRACTOR COMMITMENT/SBE CONFIRMATION FORM**

Bidders, Offerors and Proposers will document their commitment to use the SBE firms whose participation they propose to use to meet a contract goal. Each SBE business will, likewise, confirm in writing that they are participating, as stated, in the prime contractor's commitment. These commitments are conditioned on the bidder offeror or proposer being awarded the contract.

The principals of the Bidder, Offeror or Proposer and the principals of the SBE business will, together, complete:

FORM 4, "PRIME CONTRACTOR COMMITMENT/SBE CONFIRMATION FORM," and FORM 6, CONTRACTOR'S COUNTING AND CALCULATING REPORT.

FORM 4: The Bidder, Offeror or Proposer will describe clearly and completely the commitment to portion of the work the SBE firm is to provide in both technical and financial terms. The description shall identify the relevant portions of the Statement of Work or the Work Breakdown Structure where the SBE firm will participate. The Bidder, Offeror or Proposer will first sign their written commitment. A Director, Officer, General Partner, or similarly situated Principal of the SBE firm authorized to commit the firm will read the signed prime contractor's commitment. If the written commitment signed by the Prime Contractor fully agrees with the SBE firm's understanding of the work and the financial commitments, the SBE signs the FORM 4, confirming it is participating in the contract resulting from this procurement, as stated.

FORM 6: This form is the attachment to Form 4. The Bidder, Offeror or Proposer and the SBE submit the financial report of the Prime's commitment and the SBE's confirmation, identifying the category of expenditures to be made by the Prime Contractor to the SBE. FORM 6 identifies the amount of SBE participation that will count and the amount that will not count toward the contract goal.

PRIME CONTRACTORS WILL NOT DIRECTLY MAIL ANY OF THIS DOCUMENTATION TO Metro. IT WILL BE SUBMITTED AS PART OF THE BID OR PROPOSAL.

SBE's DO NOT MAIL THIS COMPLETED FORM TO Metro. EACH SBE RETURNS THIS SIGNED COMMITMENT FORM TO THE PRIME CONTRACTOR WHO IS COMMITTING TO USE THEM IN THE PROJECT. THE PRIME CONTRACTOR BIDDER, OFFEROR OR PROPOSER WILL SUBMIT ALL COMPLETED AND SIGNED COMMITMENT FORMS WITH THE BID OR PROPOSAL THEY SEND TO Metro.



**S130.5 INSTRUCTIONS FOR FORM 5: GOAL DECLARATION FOR BIDDERS, OFFERORS OR PROPOSERS**

Bidders, Offerors or Proposers will declare on FORM 5, "GOAL DECLARATION FOR BIDDERS, OFFERORS OR PROPOSERS," whether they achieved the SBE participation goal for this project or program. Submit this form and its attachment with the proposal.

The Declaration must be simply completed; do not alter the document. If the firm did not achieve the goal, the Bidder, Offeror or Proposer declares that, to the best of their knowledge, information and belief, it made good faith efforts toward achieving the goal. Attach a copy of the completed FORM 7, SUMMARY OF COUNTING AND CALCULATION REPORTS, to FORM 5 in support of your firm's declaration.

If evidence of "Good Faith" efforts is needed, a Bidder, Offeror or Proposer will provide the documentation and other evidence of their efforts within 48 hours of receiving a written request from Metro. You are directed only to complete and submit this form and its attachment as part of the bid or proposal package. If more detailed information is needed Metro will contact your firm. Failure to provide these completed forms may be cause for Metro to deny the bid or proposal as non-responsive.

**DO NOT SUBMIT EVIDENCE OF GOOD FAITH EFFORTS AT THE TIME THE BID OR PROPOSAL IS SUBMITTED.** Metro will request evidence of good faith efforts in writing, if and when they are needed. Bidder, Offeror, or Proposer evidence of Good Faith efforts will be sent, if called for, to the offices of the Diversity and Economic Opportunity Representative identified in the Letter of Invitation.

**FORM 5 - SBE GOAL DECLARATION FOR BIDDERS/PROPOSERS**

**SBE Goal Achieved**

The Bidder, Offeror or Proposer declares to the best of its knowledge, information and belief that by its efforts, it ACHIEVED a level of participation greater than or equal to the \_\_\_\_\_% goal established by Metro for SBE participation. The level achieved by its efforts was \_\_\_\_\_percent (\_\_\_\_\_%).

See FORM 7, SUMMARY OF COUNTING AND CALCULATING REPORTS, attached.

Executed on: \_\_\_\_\_, 20\_\_\_\_, at, \_\_\_\_\_, \_\_\_\_\_  
Date City State

Company Name: \_\_\_\_\_

By: \_\_\_\_\_  
Authorized Signature Printed Name

Title: \_\_\_\_\_

**SBE Goal NOT Achieved**

The Bidder, Offeror or Proposer declares to the best of its knowledge, information and belief that while it made efforts to achieve the SBE participation goal, it DID NOT ACHIEVE a level of SBE participation greater than or equal to the \_\_\_\_\_% goal established by Metro.

While the Bidder, Offeror or Proposer did exert efforts to achieve the goal, it was not successful. The Bidder or Proposer certifies that, if requested, it will submit evidence in support of its good faith efforts, within forty-eight (48) hours of Metro's request.

See FORM 7, SUMMARY OF COUNTING AND CALCULATING REPORTS, attached.

**DO NOT SUBMIT EVIDENCE OF GOOD FAITH EFFORTS WITH THE BID OR PROPOSAL.**

Executed on: \_\_\_\_\_, 20\_\_\_\_, at, \_\_\_\_\_, \_\_\_\_\_  
Date City State

Company Name: \_\_\_\_\_

By: \_\_\_\_\_  
Authorized Signature Printed Name

Title: \_\_\_\_\_

## FORM 6 - CONTRACTOR'S COUNTING AND CALCULATING REPORT

FOR ASSISTANCE PREPARING THIS FORM SEE "CALCUATING AND COUNTING SBE PARTICIPATION," STARTING AT PARAGARPH S110 OF THE INSTRUCTIONS AND FORM 7a WORKSHEETS .

<u>FEES AND COMMISSIONS</u> Count 100% of that portion of the work consisting of fees or commissions charged by SBE firms for providing:	COUNT Qualified Amounts to SBE Firms	DO NOT COUNT Amounts to SBE Firms that are Disqualified	Amounts to Non-SBE Firms	TOTAL
1. Professional Services	_____	_____	_____	_____
2. Technical Services	_____	_____	_____	_____
3. Consultant Services	_____	_____	_____	_____
4. Managerial Services	_____	_____	_____	_____
5. Bonding, and	_____	_____	_____	_____
6. Insurance	_____	_____	_____	_____
<b>LABOR &amp; LEASED EQUIPMENT</b>				
7. CONTRACTOR'S WORK FORCE:	_____	_____	_____	_____
8. LEASING: Count 100% of lease, but not from the prime or its affiliates ...	_____	_____	_____	_____
<b>SUBCONTRACTED WORK</b>				
9. Count work subcontracted by the SBE to another SBE. Do not count work to a Non-SBE	_____	_____	_____	_____
<b>MATERIALS AND SUPPLIES (#10-12)</b>				
10. A MANUFACTURER:	_____	_____	_____	_____
11. REGULAR DEALER :				
(a) From SBE, 60% Qualifies = _____	a			
(b) From SBE, 40% doesn't = _____		b		
(c) Items not from a SBE _____			c	Enter a+b+c
<b>FIRM NOT A REGULAR DEALER OR A MANUFACTURER</b>				
12. (a) Procurement Assistance, and	_____	_____	_____	_____
(b) Required Delivery to job site	_____	_____	_____	_____
(c) Delivery not required to job site	_____	_____	_____	_____
13. TRUCKING COMPANIES	_____	_____	_____	_____
14. FUNDS NOT EARMARKED <u>FOR EXPENDITURE</u>	_____	_____	_____	_____
<b>TOTAL</b>	<b>\$</b> _____	_____	_____	_____
Items 1-14	Counts Toward Goal	Does Not Count	Does Not Count	Contract Price

**Caution: Expenditures to SBE's count only if the SBE firm performs a "Commercially Useful Function."**

## FORM 7 - SUMMARY OF COUNTING AND CALCULATING REPORTS

FOR ASSISTANCE PREPARING THIS FORM SEE "CALCUATING AND COUNTING SBE PARTICIPATION," STARTING AT PARAGARAPH D110 OF THE INSTRUCTIONS AND FORM 7a WORKSHEETS .

<u>FEES AND COMMISSIONS</u> Count 100% of that portion of the work consisting of fees or commissions charged by SBE firms for providing:	COUNT Qualified Amounts to SBE Firms	DO NOT COUNT Amounts to SBE Firms that are Disqualified	Amounts to Non-SBE Firms	TOTAL
1. Professional Services	_____	_____	_____	_____
2. Technical Services	_____	_____	_____	_____
3. Consultant Services	_____	_____	_____	_____
4. Managerial Services	_____	_____	_____	_____
5. Bonding, and	_____	_____	_____	_____
6. Insurance	_____	_____	_____	_____
<b>LABOR &amp; LEASED EQUIPMENT</b>				
7. CONTRACTOR'S WORK FORCE:	_____	_____	_____	_____
8. LEASING: Count 100% of lease, but not from the prime or its affiliates	_____	_____	_____	_____
<b>SUBCONTRACTED WORK</b>				
9. Count work subcontracted by the SBE to another SBE. Do not count work to a Non-SBE	_____	_____	_____	_____
<b>MATERIALS AND SUPPLIES (#10-12)</b>				
10. A MANUFACTURER:	_____	_____	_____	_____
11. REGULAR DEALER :				
(a) From SBE, 60% Qualifies = _____	a			
(b) From SBE, 40% doesn't = _____		b		
(c) Items not from a SBE _____			c	Enter a+b+c
<b><u>FIRM NOT A REGULAR DEALER OR A MANUFACTURER</u></b>				
12. (a) Procurement Assistance, and	_____	_____	_____	_____
(b) Required Delivery to job site	_____	_____	_____	_____
(c) Delivery not required to job site	_____	_____	_____	_____
13. TRUCKING COMPANIES	_____	_____	_____	_____
14. FUNDS NOT EARMARKED FOR EXPENDITURE	_____	_____	_____	_____
TOTAL	\$ _____	_____	_____	_____
Items 1-14	Counts Toward Goal	Does Not Count	Does Not Count	Contract Price

**Caution: Expenditures to SBE's count only if the SBE firm performs a "Commercially Useful Function."**

**FORM 7A - COUNTING AND CALCULATING WORKSHEET (CONTINUATION WORKSHEET)**

NAME OF CERTIFIED FIRM	SBE FIRM COUNT	SBE FIRM, DO NOT COUNT	NOT A SBE DO NOT COUNT	TOTAL

## **GOOD FAITH EFFORTS DOCUMENTATION FORMS**

The following forms are recommended for incorporation in the Bidder/Proposer's efforts to meet good faith criteria. Using these or similar forms will enhance your Good Faith Effort documentation.

ATTACHMENT A - GOOD FAITH EFFORTS EVALUATION CRITERIA

ATTACHMENT B - SAMPLE ADVERTISEMENT

ATTACHMENT C - NEWSPAPER ADVERTISEMENT LOG

ATTACHMENT D - SELECTED WORK CATEGORIES FORM

ATTACHMENT E - WRITTEN SOLICITATION SUBMITTAL FORM

ATTACHMENT F - SOLICITATION FOLLOW-UP LOG

ATTACHMENT G - LIST OF ALL FIRMS/SOLICITATION RESPONSES RECEIVED

ATTACHMENT H - SAMPLE LETTER OF SOLICITATION

ATTACHMENT I - LIST OF CERTIFIED FIRMS/DISCLAIMER

**ATTACHMENT A - GOOD FAITH EFFORTS EVALUATION CRITERIA**

ITEM #	INDICATORS	POINTS	
		POSSIBLE	ACTUAL
1	<p><u>ATTEND PRE-BID OR PRE-PROPOSAL CONFERENCE</u> Attendance at the Pre-Bid/Pre-Proposal conference scheduled by metro.</p> <p>Name and date of person(s) attending, to be verified by conference sign-in sheet.</p>	15	
2	<p><u>PLACE ADS IN GENERAL, TRADE &amp; FOCUSED PUBLICATIONS</u> Bidder/Proposer shall provide proof of advertisement in one general newspapers, one trade publications, and one minority/women focus media, or tear sheet copies showing date and name of publication. Advertisements should appear at least 20 days prior to metro's bid/proposal submittal date. If metro's solicitation does not allow 20 days, a shorter publication time is acceptable.</p> <p>Evidence: Name of Newspapers, trade publications, journals, etc. which Bidder/Proposer advertised.</p> <p><u>Name of Publication</u>      <u>No. Of Days Advertised</u></p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>The advertisement shall include, at a minimum:</p> <ol style="list-style-type: none"> <li>1. Project Name, and Location;</li> <li>2. Indication of Metro as Owner;</li> <li>3. Location where plans and specifications may be obtained or viewed;</li> <li>4. Sub-bid due date;</li> <li>5. Trade or scopes of work for which subcontractors/suppliers are being solicited;</li> <li>6. Statement that SBE Bid/Proposal solicitation is in response to Metro's SBE Program; and</li> <li>7. Statement that Contractor intends to conduct itself in good faith with SBE firms for participation on the Project.</li> </ol>	15	

ITEM #	INDICATORS	POINTS	
		POSSIBLE	ACTUAL
3	<p><u>DEFINE PORTION OF WORK TO BE SUBCONTRACTED</u> The Bidder/Proposer shall provide in solicitation documents written determination of the services that are intended to be performed by its own workforce and those services that have been identified for subcontracting/supply (use <u>Selected Work Categories</u> form).</p> <p>A. Document showing the work that the Bidder/Proposer intends to perform with its own workforce including the dollar estimate of each item;</p> <p>B. Work that the Bidder/Proposer has identified for subcontracting, and the dollar value of each item.</p>	5	
4	<p><u>NOTIFY COMMUNITY ORGANIZATIONS AND GROUPS</u> Notification should be made to outreach to minority, women, and other small business organizations. Must outreach to a minimum of five (5) organizations.</p> <p>A. Notification to organizations shall include at a minimum, a description of the scope of services, the company's contact, and the bid/proposal submittal date;</p> <p>B. Copies of letters, faxes, telephone logs, etc. used to contact organizations;</p> <p>C. Include names of organizations/groups, dates, names of contacts, and telephone numbers;</p> <p>D. Copies of correspondence received from any of these organizations/groups acknowledging contact by Bidder/Proposer.</p>	5	
5	<p><u>WRITE INVITATIONS TO SBE's TO DISTRIBUTE RFP OR RFQ's</u> Extend written Requests for Bid/Proposal to SBE firms for all services that the Bidder/Proposer intends to subcontract/supply and provide specification requirements to SBEs.</p> <p>A. Names, <u>contact persons</u>, <u>addresses</u>, phone numbers, and dates of all SBE firms contacted;</p> <p>B. Solicited at least 10 days prior to proposal submittal date and by what means (letter, fax, phone, etc.);</p> <p>C. A copy of the solicitation letter;</p> <p>D. Firms are certified by metro; and</p> <p>E. Adequate number of SBEs contacted in each work category identified by metro (5 or less - contact all; 6 to 10 - contact at least 5; 11 to 50 - contact at least 50%; 51 or more - contact at least 25).</p>	10	

ITEM #	INDICATORS	POINTS	
		POSSIBLE	ACTUAL
6	<p><u>FOLLOW-UP INITIAL SOLICITATION &amp; MAINTAIN CONTACT LOGS</u> Oral and/or written follow-up of initial solicitation of SBE firms.</p> <p>A. The log with names, contact persons, phone numbers, dates and methods used for following up initial solicitation to determine whether or not SBEs were interested; and</p> <p>B. Follow-up to a minimum of 75% of the initial solicitations to SBEs (Attachment F Solicitation Follow-up Log Form used).</p>	15	
7	<p><u>LIST SBE FIRMS, RETAIN SBE PROPOSALS JUSTIFY SELECTION OF SUBCONTRACTOR OR OTHER SOURCE.</u> Bidder/Proposer negotiated in good faith with SBEs and did not unjustifiably reject bids/proposals prepared by any SBE.</p> <p>A. Names, addresses, phone numbers of all subcontractors/suppliers who submitted bids/proposals;</p> <p>B. Copies of all SBE and non-SBE bids/proposals for each item of work solicited; and</p> <p>C. State reason for choice of subcontractor. Barring lack of qualifications to perform work, only significant price differences (10% or more) between selected subcontractor/supplier and rejected SBE will be considered as a cause for rejecting bids/proposals.</p>	30	
8	<p><u>ASSIST SBE's WITH BONDING AND INSURANCE</u> Offer assistance to SBE firms in obtaining bonding and insurance. (5 points automatically given if bonding and insurance is not required)</p> <p>Description of assistance provided by the Bidder/Proposer to SBEs in obtaining bonding and insurance (may be included in Attachment F Letter of Solicitation).</p>	5	
<b>TOTAL POINTS POSSIBLE 100</b>			

Metro REQUIRES A MINIMUM OF SEVENTY-FIVE (75) OF 100 POINTS TO BE IN COMPLIANCE.

Metro evaluates each item on a pass/fail basis - either full or zero points received for compliance with each item.

**ATTACHMENT B - SAMPLE ADVERTISEMENT**

**SBE SUBCONTRACTORS/SUPPLIER BIDS  
REQUESTED**

**CONTRACT NO. B234  
WINDOW INSTALLATION, LOS ANGELES, CA.**

**BID SUBMITTAL DATE: DECEMBER 29, 1993 @ 2:00 PM**

**OWNER: LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY  
(Metro)**

**PERFORMANCE/PAYMENT/SUPPLY BOND MAY BE REQUIRED**

**THIS ADVERTISEMENT IS IN RESPONSE TO Metro'S SBE PROGRAM. LAMAR CORP.  
INTENDS TO CONDUCT ITSELF IN "GOOD FAITH" WITH SBE FIRMS REGARDING  
PARTICIPATION ON THIS PROJECT. DRAWINGS AND SPECS MAY BE REVIEWED IN  
OUR OFFICE MONDAY THROUGH FRIDAY, 8:00 AM TO 5:00 PM. QUOTES ARE  
REQUESTED BY COB, DECEMBER 28 SO THAT ALL BIDS CAN BE FAIRLY EVALUATED.  
PLEASE SUBMIT BIDS FOR THE FOLLOWING WORK (BUT NOT LIMITED TO): SIGNS,  
TRACK CONSTRUCTION, TIMBER TIES, BALLAST, APPURTENANCES, RAIL WELDING,  
A.C. PAVING, REINFORCING STEEL, SUPPLY PORTLAND CEMENT, CONCRETE  
PUMPING, METAL FABRICATIONS AND ELECTRICAL.**

**LAMAR CORP.  
8134 MAYFLOWER DRIVE      LOS ANGELES, CA 90343  
213/555-9800                      FAX 213/555-9801**

**ATTACHMENT C - NEWSPAPER ADVERTISEMENT LOG**  
 (Attach copies of ads)

Newspaper	Phone No.	Type of Publication Minority/General/Trade	Circulation	Dates of Advertisement



**ATTACHMENT E - WRITTEN SOLICITATION SUBMITTAL FORM**  
**Attach copy of Solicitation Letter**

Please check one:

- I've attached a list of solicitations\*
- Refer to log below

Date Sent	Name of SBE Firm	Contact Person	Phone Number	Work Category

\* List must contain same information as found on log above.

**ATTACHMENT F - SOLICITATION FOLLOW-UP LOG**

Date and Time	Follow-up Method	Name of SBE Firm	Contact Person	Phone No.	Bidding Yes/No	Date Bid Received	If SBE not bidding indicate reason



## ATTACHMENT H - SAMPLE LETTER OF SOLICITATION

Date

SBE Firm  
Address  
City, State, Zip

ATTN: Chief Estimator

Project: B234, Trackwork Installation  
Owner: Metropolitan Transportation Authority  
Bid/Proposal Due Date: December 29, 1993 at 2:00 p.m.

We are bidding the above project as a prime contractor and would appreciate quotes from SBEs who are currently certified with metro for the following services and/or materials:

Clearing and Grubbing	Signal & Lighting
Excavation	Fencing
Backfill	Construction Area Signs
Landscaping	

Plans and specifications are available for inspection at our office or at a local plan room (give name and location of alternate plan rooms, if available). Should you need any assistance in obtaining bonding or insurance, please feel free to call us. SBE firms are also referred to the Small Business Administration (SBA) and/or the Federal Department of Transportation (DOT) Bond Assistance Programs.

We are an Equal Opportunity Employer and, as a matter of policy, encourage the participation of Small Business Enterprises.

All SBE firms must be certified by the bid/proposal due date and must provide our office with a copy of your SBE certification to include with the bid/proposal. Should you have any questions regarding metro's certification process, contact metro's certification Hotline at (213) 922-2600.

We will be contacting you by phone regarding this project, but feel free to contact us at (phone number) or by fax (phone number).

Yours truly,

Mr. Jim Mason  
Chief Estimator

## ATTACHMENT I - LIST OF CERTIFIED FIRMS (DISCLAIMER)

This listing will be provided by metro Diversity and Economic Opportunity Department at the time the solicitation (IFB/RFP) is issued, as an attachment to the Letter Of Invitation Supplement (SBE - State & Local Funding) Form 032 in the solicitation.

