

CITY & COUNTY OF SAN FRANCISCO CONTRACT MONITORING DIVISION



CMD ATTACHMENT 7

For Contracts Advertised on or after July 1, 2013

*Requirements for Integrated Project Delivery Construction
Contracts in Excess of \$200,000*

PART I. GENERAL

1.01 SAN FRANCISCO ADMINISTRATIVE CODE CHAPTERS 12B AND 14B

- A. To be eligible for contract award, bidders/proposers must agree to comply with the Local Business Enterprise ("LBE") requirements sanctioned by San Francisco Administrative Code Chapter 12B, Section 12B.4, and Chapter 14B (where applicable), and its implementing Rules and Regulations. Chapters 12B and 14B are administered and monitored by the San Francisco Contract Monitoring Division ("CMD").
- B. Chapters 12B and 14B and their implementing Rules and Regulations are incorporated by reference herein as though fully set forth and provide that the failure of any bidder/proposer or contractor to comply in good faith with these requirements shall be deemed a material breach of contract. Copies of both Chapters 12B and 14B and their implementing Rules and Regulations are available on the CMD website at <http://www.sfgov.org/cmd>.
- C. Chapter 14B allows for a ten percent (10%) bid discount/rating bonus for Construction firms certified as Small or Micro-LBEs by CMD and a two percent (2%) bid discount/rating bonus for Construction firms certified as SBA-LBEs by CMD, subject to certain limitations and exceptions. The Certification application is available on the CMD website at <http://www.sfgov.org/cmd>.

IMPORTANT NOTICE:

For contracts advertised on or after July 1, 2013, contractors and all participating subcontractors are required to use the LBE Utilization Tracking System (LBEUTS) to submit 14B prime and subcontractor payment information, including monthly progress payment invoices. The LBEUTS system replaces CMD Forms 7 & 9. These forms are included herein for informational purposes only.

For assistance with CMD Attachment 7, please contact the following number(s):

CMD Main Office (415) 581-2310

For compliance and assistance with the Equal Benefits Program, please contact the CMD Main Office.



1.02 INTEGRATED PROJECT DELIVERY & SUBMISSION OF CMD FORMS

- A. Failure to complete or submit any of the forms or information as instructed by this Attachment or the bid documents/request for proposals may cause the bidder/proposer to be deemed non-responsive and/or ineligible for contract award. For failure to complete or submit any post award forms, contractors may be subject to post-award sanctions under Chapter 14B. Bidders/proposers/contractors are responsible for reviewing and complying with the specific instructions and requirements on each CMD form.
- B. Integrated Project Delivery contracts are construction contracts that provide for the early engagement of a Construction Manager/General Contractor ("CM/GC" or "contractor") so that the CM/GC can work with the City and its project designers to provide a better designed and constructed project. Under Integrated Project Delivery contracts, the CM/GC will provide both Pre-Construction Services and Construction Services as specified in the project-specific bid documents or request for proposals issued by the Contract Awarding Authority.

The LBE subcontracting goal for Integrated Project Delivery projects can be met by the cumulative participation by Small and Micro-LBE subcontractors, subconsultants and suppliers (collectively "subcontractors") in the Pre-Construction Services and Construction Services phases of the project. SBA LBEs cannot be used for LBE subcontractor participation credit in either phase unless otherwise authorized in the project-specific bid documents or request for proposals. A bidder/proposer must identify any Small or Micro-LBE subcontractors that it will use during the Pre-Construction Services phase in its bid or proposal as instructed below. During the Construction Services phase, the CM/GC will select trade subcontractors through a pre-qualification and competitive bid process. As part of the trade package bidding process, the CM/GC will develop LBE subcontracting goals for each trade package so that the CM/GC can meet the overall LBE subcontracting goal set by CMD for the project. Upon receipt of bids from trade package bidders, the CMD will evaluate whether or not the trade package low bidder has met the stated LBE goal. It is CM/GC's responsibility to meet the overall project LBE subcontracting goal, failure to do so may subject CM/GC to fines pursuant to Chapter 14B.

A bidder/proposer/contractor must submit, or cause to be submitted, various CMD forms at different phases of the project, as follows:

1. Submit the following CMD forms with the bid or proposal:

- a. **Form 2A: CMD Contract Participation Form.** All CM/GC's must submit Form 2A with their bids or proposals.

If the project meets the threshold requirements for a bid discount/rating bonus **and** CM/GC seeks a bid discount/rating bonus based on its status as a CMD-certified LBE CM/GC shall complete the applicable sections of Form 2A.

In addition, if CM/GC will use Small and/or Micro-LBE subcontractors during the Pre-Construction Services Phase of the project to meet the overall LBE subcontracting participation goal for the project, bidder/proposer must identify the certified Small and Micro-LBE subcontractors that will be used to perform Pre-Construction Services on Form 2A and provide the requested information for each firm. The total amount of Small and Micro-LBE subcontractor participation for the Pre-Construction Services phase will be fixed at the amount indicated on Form 2A. The remaining balance of the overall LBE subcontracting participation goal for the project will apply to the Construction Services phase. All Small and Micro LBEs identified as subcontractors for the Pre-Construction Services phase must be certified with the CMD by the bid/proposal due date, and must be contacted by bidder/proposer prior to listing them as subcontractors in the bid/proposal. CM/GCs are responsible for verifying the LBE status of a subcontractor or supplier immediately prior to submitting a bid or proposal. A subcontractor that has a certification application pending, that has been denied certification, that has had its



certification revoked or that is in the process of appealing a CMD denial or revocation at the date and time the bid or proposal is due is not an LBE and cannot be counted as an LBE for purposes of achieving the LBE subcontracting participation goal even if the firm is later certified or ultimately prevails in its appeal.

If CM/GC does not identify any Small and/or Micro-LBE subcontractors on Form 2A, then CM/GC's LBE subcontractor participation for the Pre-Construction Services phase will be deemed zero (0), and, if awarded the contract, such CM/GC must achieve the full LBE subcontracting goal during the Construction Services phase of the project. Failure to do so will subject CM/GC to sanctions under Chapter 14B.

- b. **Form 2B:** Under Section 14B.19(C)(2) of the Administrative Code, the CM/GC shall undertake the good faith outreach required by Section 14B.8(D). The CM/GC shall document its good faith outreach efforts and shall provide copies of such documentation to the CMD.
 - c. **Form 3: CMD Compliance Affidavit:** Bidder/Proposer must sign under penalty of perjury.
2. **Require trade package bidders to submit the following forms with trade package bids or after trade package bid opening (see submittal instructions on each form):**
- a. **Form 2A/TP/NP: CMD Contract Participation Form/Trade Package:** The CM/GC will require each trade package bidder to submit with its bid a completed CMD Form 2A/TP/NP that identifies all certified Small and/or Micro-LBE subcontractors, suppliers and service contractors (such as truckers), including their respective subcontract dollar amounts and portion of work to be performed, that the trade package bidder wishes to use toward the LBE subcontractor participation goal set for that trade package.

All Small and Micro LBEs identified as subcontractors for a trade package must be certified with the CMD by the bid opening date for that trade package, and must be contacted by the trade package bidder prior to listing them as subcontractors in the bid. Trade package bidders are responsible for verifying the LBE status of a subcontractor or supplier immediately prior to submitting a bid. A subcontractor that has its certification revoked or that is in the process of appealing a CMD denial or revocation of its certification on the date the bid is due, is not an LBE and cannot be counted as an LBE for purposes of achieving the LBE subcontracting participation goal even if the firm is later certified or ultimately prevails in its appeal.

Pursuant to San Francisco Administrative Code Section 14.B.19.C.4, CMD has determined that for purposes of analyzing all LBE participation in trade packages, the percentages set forth in the California Subletting and Subcontracting Fair Practices Act, Public Contract Code Section 4100, *et seq.*, shall apply to all lower tier LBE subcontractors. In the event the trade package low bidder submits a completed CMD Form 2A/TP/NP with its bid, but fails to meet the stated goal ("shortfall"), the bidder shall be allowed to make up the shortfall within two weeks of bid opening. Failure by the bidder to achieve the goal within the two week period, or within some other time allowed by the Director in writing ("Grace Period"), shall deem the bidder ineligible for award of the trade package subcontract. To successfully make up a shortfall in LBE subcontractor participation, the trade package bidder must submit an amended CMD Form 2A/TP/NP during the Grace Period that demonstrates that the bidder has achieved the stated LBE subcontractor participation goal **with no adjustment to its total bid price for the trade package**, by using one or more of the following procedures:

- **New LBE Subcontractors, Suppliers Or Service Contractors:** Trade package bidder may submit an amended CMD Form 2A/TP/NP to add one or more Small or Micro LBE subcontractors or service contractors to make up the shortfall, provided that the value of



each subcontract added under this procedure (other than suppliers and trucking and hauling firms) does not exceed one-half of one percent of the total bid price for the trade package.*

- **Listed LBE Subcontractors, Suppliers Or Service Contractors:** Trade package bidder may submit an amended CMD Form 2A/TP/NP to increase the subcontract value for one or more Small or Micro LBE subcontractors, suppliers or service contractors listed on bidder's original CMD Form 2A/TP/NP.

***Note: In applying the authorized procedures set forth above, trade package bidder may not substitute an LBE subcontractor, supplier or service contractor listed on bidder's originally-submitted CMD Form 2A/TP/NP. CMD will not approve any such substitution(s).**

If a trade package bidder makes up a shortfall in LBE subcontractor participation during the Grace Period by complying with the authorized procedures set forth above, then its bid will be determined responsive as to the LBE subcontractor participation goal. Alternatively, if a trade package bidder fails to achieve the LBE subcontractor participation goal during the Grace Period in accordance with the authorized procedures set forth above, then such bidder's bid will be rejected as non-responsive. In such an instance, the CMD and the CM/GC will evaluate the second low bidder for potential contract award, and so on.

- Form 2A/TP/NP/NP ALT: CMD Contract Participation Form/Trade Package Alternates (if and as applicable):** The CM/GC will require each trade package bidder to complete and submit Form 2A/TP/NP/NP ALT in order for the trade package bidder to receive credit for LBE participation on alternates (if applicable). Compliance with the LBE subcontracting participation goal for the trade package will be determined on the amount of the base bid. However, LBE subcontractor participation on selected alternates may be credited toward the goal where the LBE subcontracting participation goal is not met on the base bid. LBEs that are listed on the base bid (Form 2A/TP/NP/NP) should be listed again on Form 2A/TP/NP/NP ALT for each alternate on which they will be utilized. Failure to list an LBE on Form 2A/TP/NP/NP ALT may result in the LBE's participation not being counted toward the LBE subcontracting participation goal, even if the alternate is selected.
 - Form 6/TP: CMD LBE Subcontractor Participation Affidavit/Trade Package:** The CM/GC will require the apparent low trade package bidder to submit completed copies of Form 6/TP and subcontractors' bid quotations must be submitted from all LBE subcontractors, suppliers and truckers listed to meet the LBE subcontracting goal for the trade package, regardless of subcontracting tier. Subcontractors are required to sign this form under penalty of perjury.
 - Form 6A/TP/NP: CMD LBE Trucking Form/Trade Package:** The CM/GC will require the apparent low trade package bidder to submit Form 6A/TP/NP if truckers are being used to meet the LBE subcontracting participation goal for the trade package. Only CMD certified LBE truckers can be utilized to meet the LBE subcontracting goal.
- 3. Forms for negotiated trade package subcontracts (if applicable):**

For trade package subcontracts negotiated by CM/GC as authorized by Section 6.68(H)(3) of the Administrative Code and the project Contract (if any), the CM/GC shall require its subcontractor(s) to complete Forms 2A/TP, 6/TP and 6A/TP, as applicable, and shall submit copies of such forms to the CMD prior to awarding the negotiated subcontract(s). CMD shall provide Form 2A/TP/NP for negotiated packages.



4. CMD LBE UTILIZATION TRACKING SYSTEM AND CONTRACT PERFORMANCE FORMS:

Upon request from CMD, the Contractor must provide copies of certified payrolls for itself and all subcontractors. Failure to submit all required information in the LBEUTS or Contract Performance Forms as instructed may result in the withholding of progress payments and final payment pursuant to Chapter 14B.

Information regarding the LBE Utilization Tracking System (LBEUTS) can be found at <http://www.sfgov.org/LBEUTS>

- a. **FORM 7: CMD Progress Payment Form:** Contractor shall submit online using the LBEUTS with each payment request. Failure to upload this information with each payment request may delay progress payment processing. Upload copies of invoices from LBE subcontractors.
- b. **FORM 9: CMD Payment Affidavit:** Submit online using the LBEUTS within ten (10) business days following receipt of each progress payment from the Contract Awarding Authority. Subcontractors are then required to acknowledge payment from Contractor online using the LBEUTS. Failure to submit required information may lead to partial withholding of progress payment, even if there is no subcontractor payments for the reporting period.
- c. **Form 8: CMD Exit Report and Affidavit: Submit with final Form 7. A separate Form 8** must be completed for each LBE subcontractor, supplier, and service provider (including lower-tier).
- d. **Form 10: CMD Contract Modification Form:** This form shall be completed by the CM/GC when any (all) amendments, modifications, or supplemental change orders cumulatively increase the original contract, trade package, or negotiated trade package (whichever is applicable) not-to-exceed amount by more than 20%, and then for all subsequent modifications.

1.03 "GOOD FAITH OUTREACH" REQUIREMENTS

Under Section 14B.19(C)(2) of the Administrative Code, the CM/GC shall undertake the good faith outreach required by Section 14B.8(D) for all trade packages. The CM/GC shall document its good faith outreach efforts for each trade package and shall, upon request, provide copies of such documentation to the CMD.

1.04 NONCOMPLIANCE AND SANCTIONS

A. Non-Compliance with Chapter 14B

1. A complaint of non-compliance concerning LBE participation initiated by any party after contract award will be processed in accordance with Chapter 14B and its implementing Rules and Regulations.
 - a. If the CMD Director determines that there is cause to believe that a contractor has failed to comply with any of the requirements of Chapter 14B, CMD Rules and Regulations, or contract provisions pertaining to LBE participation, the CMD Director shall notify the Contract Awarding Authority and attempt to resolve the non-compliance through conference and conciliation.
 - b. If the non-compliance is not resolved through conference and conciliation, the CMD Director shall conduct an investigation and, where the Director so finds, issue a written Finding of Non-Compliance.



- c. The Director's finding shall indicate whether the contractor acted in good faith or whether noncompliance was based on bad faith noncompliance with the requirements of Chapter 14B, CMD Rules and Regulations, or contract provisions pertaining to LBE participation.
2. Where the Director finds that the contractor acted in good faith, after affording the contractor notice and an opportunity to be heard, the Director shall recommend that the Contract Awarding Authority take appropriate action. Where the Director finds bad faith noncompliance, the Director shall impose sanctions for each violation of the ordinance, CMD rules and regulations, or contract provisions pertaining to LBE participation, which may include:
 - a. Issuing an Order of Debarment prohibiting the contractor and affiliates from participating in City Contracting for a period not to exceed five years and terminating any existing contracts or subcontracts with the debarred contractor, in accordance with the Administrative Debarment provisions and procedures set forth in Administrative Code Chapter 28.
 - b. Determining that the contractor has failed to comply with the provisions of Chapter 14B, sanctions are as follows:
 - i) suspend a contract;
 - ii) withhold funds;
 - iii) assess penalties;
 - iv) debarment;
 - v) revoke CMD certification; or
 - vi) pursuant to 14B.7(H)(2), assess liquidated damages in an amount equal to the contractor's net profit on the contract, 10% of the total amount of the contract or \$1,000, whichever is greatest as determined by CMD.
 - c. The Director's determination of bad faith non-compliance is subject to appeal to the City Administrator pursuant to CMD Rules and Regulations.
 - d. An appeal by a contractor to the City Administrator shall not stay the Director's findings.
 - e. The CMD Director may require such reports, information and documentation from contractors, subcontractors, contract awarding authorities, and heads of departments, divisions, and offices of the City and County as are reasonably necessary to determine compliance with the requirements of Chapter 14B.
- B. Procedure for the collection of penalties is as follows:
 1. The CMD Director shall send a written notice to the Controller, the Mayor and to all contract awarding authorities or City and County department officials overseeing any contract with the contractor that a determination of bad faith non-compliance has been made and that all payments due the contractor shall be withheld.
 2. The CMD Director shall transmit a report to the Controller and other applicable City departments to ensure that the liquidated damages are paid to the City.

PART II. BID DISCOUNT/RATING BONUS

2.01 APPLICATION

- A. **Application of bid discount/rating bonus:** The bid discount or rating bonus, if any, shall be applied to (1) the selection panel numerical scores evaluating written proposals and interviews, if any, and (2) the total cost proposals or bids.
- B. **Eligibility for the LBE bid discount/rating bonus:** Certified Small or Micro-LBEs, SBA-LBEs, including certified non-profit organizations, are eligible for an LBE bid discount/rating bonus if the LBE is



CMD certified in the type of work that is specified by the Contract Awarding Authority. A bidder/proposer that has a certification application pending, that has been denied certification, that has had its certification revoked or that is in the process of appealing a CMD denial or revocation at the date and time the bid is due is not an LBE and is not eligible to receive the bid discount/rating bonus even if the firm is later certified or ultimately prevails in its appeal.

C. Application of the bid discount/rating bonus shall be as follows:

1. **Contracts with a Total Estimated Construction Cost in Excess of \$10,000 and Less Than or Equal to \$400,000.** A 10% bid discount/rating bonus will apply to any bids/proposals submitted by CMD certified Small or Micro-LBEs. SBA-LBEs are not eligible for a bid discount/rating discount.
2. **Contracts with a Total Estimated Construction Cost in Excess of \$400,000 and Less Than or Equal to \$10,000,000.** A 10% bid discount/rating bonus will apply to any bids/proposals submitted by CMD certified Small or Micro-LBEs. If, after the application of the 10% bid discount/rating bonus to bids/proposals submitted by Small or Micro-LBEs, the apparent low bidder or highest-ranked proposer is not a Small or Micro-LBE, a 2% bid discount/rating bonus will be applied to any bid/proposal from an SBA-LBE in accordance with the procedures and limitations set forth in Section 14B.7(E) of the Code.
3. **Contracts With a Total Estimated Construction Cost In Excess Of \$10,000,000 and Less Than or Equal to \$20,000,000.** A 2% bid discount/rating bonus will apply to any bid/proposal submitted by an SBA-LBE in accordance with the procedures and limitations set forth in Section 14B.7(E) of the Code.

D. Bid Discount / Rating Bonus not applicable. Bid discounts / bid rating bonus are not applicable to contracts awarded by private non-profit agencies, regardless of whether or not government funding is involved, and whether or not the firms competing for contracts are for-profit businesses. Bid discount / bid rating bonus does not apply to sub trade packages. The bid discount / rating bonus for Small or Micro-LBE's does not apply for CM/GC contracts estimated by the Contract Awarding Authority to exceed \$10 million. The bid discount / rating bonus for SBA-LBE's does not apply for CM/GC contracts estimated by the Contract Awarding Authority to exceed \$20 million.

PART III. LBE SUBCONTRACTOR PARTICIPATION

3.01 LBE SUBCONTRACTING GOAL

NOTE: FOR PURPOSES OF THE LBE SUBCONTRACTING REQUIREMENTS, "LBE" REFERS TO SMALL AND MICRO-LBES ONLY, UNLESS THE BID SPECIFICATIONS OR REQUEST FOR PROPOSALS EXPRESSLY ALLOW FOR SBA-LBE SUBCONTRACTORS TO COUNT TOWARDS THE LBE PARTICIPATION GOAL

- A. The CM/GC must perform good faith outreach efforts for trade packages. After all trade packages have been awarded for the project, the CM/GC must meet the project-wide LBE subcontracting participation goal. CM/GC's failure to achieve the project-wide LBE subcontracting participation goal shall subject CM/GC to sanctions as described in Section 14B.17 of the Administrative Code.

If the Contract authorizes the CM/GC to negotiate subcontracts for trade work up to an amount not to exceed 7 ½% of the total estimated contract costs as authorized under Administrative Code Section 6.68(H) **AND** if, during the course of the contract, the CMD determines that actual LBE participation at a particular time in the bidding of trade packages is less than anticipated, relative to the overall contract LBE subcontracting participation goal, then the CM/GC shall negotiate and award trade packages to LBEs using the up to 7 ½% of total trade package costs available to it for negotiating subcontracts.



B. Calculation of LBE subcontractor participation. The CMD will calculate the participation of an LBE subcontractor toward meeting the specified goal as follows:

General Rules; Commercially Useful Function – Applicable to Pre-Construction and Construction Services

1. All CM/GCs, including LBE CM/GCs, must meet the LBE subcontracting goal. An LBE CM/GC cannot count its own work towards meeting the LBE subcontracting participation goal.
2. If a bidder/proposer/contractor owns or controls or has any common ownership or control of more than one business, the bidder/proposer/contractor will not receive LBE subcontracting credit if its lists such other firm(s) to meet the LBE subcontracting goal. For purposes of determining ownership of a business, a business owned by the bidder/proposer/contractor's spouse/domestic partner shall be deemed to be owned by the bidder/proposer/contractor.
3. For a bidder to receive credit toward the LBE subcontracting participation goal, a listed LBE subcontractor must be CMD certified in the scopes of work/trade(s) specified on Document 00435 or Section 00 43 36.
 - a. An LBE subcontractor performs a Commercially Useful Function if it is directly responsible for providing the materials, equipment, supplies or services to the project as required by the contract documents. To perform a Commercially Useful Function, an LBE subcontractor must be solely responsible for execution of a distinct element of the contract work, and must actually perform, manage and supervise the work involved in accordance with normal industry practice.
 - b. To determine whether an LBE subcontractor is performing a Commercially Useful Function, the CMD will evaluate the amount of work subcontracted, industry practices, whether the amount the firm is to be paid under the contract is commensurate with the work it is actually performing and the LBE credit claimed for its performance of the work, and other relevant factors. What constitutes a Commercially Useful Function will vary depending on the type of LBE subcontractor (e.g., construction subcontractor, design subconsultant, cost estimator, manufacturer, supplier, broker, or trucker).
 - c. An LBE subcontractor does not perform a Commercially Useful Function if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of LBE participation. In determining whether an LBE is such an extra participant, the CMD will examine similar transactions and determine whether or not non-LBEs would normally participate in such transactions.
4. Only the dollar amount of work to be performed by the LBE subcontractor will be credited toward meeting the LBE subcontractor participation goal.
 - *Example:* Bidder/proposer/trade package bidder lists an LBE subcontractor for \$1,000,000, but the LBE subcontractor will perform \$510,000 of that amount. The remaining \$490,000 will be further subcontracted out to a lower-tier non-LBE subcontractor. Only \$510,000 will be credited toward the LBE subcontracting goal.
5. All work performed by lower-tier LBE subcontractors will be credited toward meeting the LBE subcontracting goal provided that the lower-tier subcontractor was listed on either CMD Form 2A (Pre-Construction Services) at the time of bid/proposal or CMD Form 2A/TP/NP/NP (Construction Services) at the time of bid for the applicable trade package.



- *Example:* A non-LBE subcontractor is listed for \$1,000,000 and will perform \$800,000 of that amount. The remaining \$200,000 will be further subcontracted out to a lower-tier LBE subcontractor. Only \$200,000 will be credited toward the LBE subcontracting goal, provided that the lower-tier LBE subcontractor was listed on CMD Form 2A or Form 2A/TP/NP/NP, as appropriate.

Deletable Bid Items, Allowances, Contingency/Conditional & Alternate Bid Items – Applicable to Construction Services/Trade Package Bids

6. The CMD will calculate compliance with the LBE subcontracting goal based on the total amount of a trade package bidder's base bid (including non-deletable bid items, deletable bid items, allowances, and all other items that contribute to the base bid amount). If a trade package bidder fails to meet the LBE subcontracting goal through its base bid, the CMD will credit listed LBE subcontractor participation for selected alternates, if any, toward the LBE subcontracting goal. To receive LBE subcontracting credit for selected alternates, a trade package bidder must separately list LBE subcontractors that it will use for alternate work on CMD Form 2A/TP/NP/NP ALT (for alternates only) and submit the completed Form with its bid. If a trade package bidder lists an LBE subcontractor on CMD Form 2A/TP/NP/NP and intends to use that LBE subcontractor for alternate work, the trade package bidder must separately list the LBE subcontractor on Form 2A/TP/NP/NP ALT for each alternate on which the subcontractor will be used.
7. If a trade package bidder lists LBE subcontractors on Form 2A/TP/NP ALT to perform certain alternate work, but the applicable alternate(s) are not selected for contract award, the trade package bidder will not receive LBE subcontracting credit for the listed subcontractors.
8. A trade package bidder shall not use deletable bid items, allowances or contingency/conditional bid items to fulfill the LBE subcontractor participation goal.

LBE Construction Subcontractors – Applicable to Construction Services/Trade Package Bids

9. Trade package bidders may receive 100% credit for CMD-certified LBE construction subcontractors that perform a Commercially Useful Function by supplying labor, materials and supplies for a discrete portion of the contract work performed in accordance with normal industry practice. To receive credit towards the LBE subcontracting goal with respect to materials and supplies used for the contract work, the material and supplies must be of the type normally provided by the construction subcontractor in accordance with industry practice. In addition, with respect to materials and supplies, the LBE construction subcontractor must be responsible for negotiating price, determining quality and quantity, ordering the material and supplies, selecting a supplier or dealer from those available, installing the materials, and paying for the materials and supplies. To receive LBE subcontracting credit, the trade package bidder must list the LBE construction subcontractor on Form 2A/TP/NP (and Form 2A/TP/NP ALT, if applicable).
10. Trade package bidders may receive 100% credit for LBE construction contractors that perform a Commercially Useful Function by supplying labor only for a discrete portion of the contract work in accordance with normal industry practice. To receive LBE subcontracting credit, the trade package bidder must list the LBE construction subcontractor on Form 2A/TP/NP (and Form 2A/TP/NP ALT, if applicable).

LBE Manufacturers – Applicable to Construction Services/Trade Package Bids



11. If a trade package bidder obtains materials, supplies, articles or equipment directly from an LBE manufacturer certified by the CMD as a manufacturer of such items, 100% of the cost of the items will count toward the LBE subcontracting participation goal, regardless of who installs such items. An LBE manufacturer is a firm that performs a Commercially Useful Function by operating or maintaining 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. To receive LBE subcontracting participation credit, the trade package bidder must list the LBE manufacturer on Form 2A/TP/NP (and Form 2A/TP/NP ALT, if applicable).

LBE Suppliers – Applicable to Construction Services/Trade Package Bids

12. If a trade package bidder obtains materials, supplies, articles or equipment from an LBE supplier certified by CMD to supply such items, 60% of the cost of the items will count toward the LBE subcontracting goal if the LBE supplier performs a Commercially Useful Function by taking possession of the items and assuming the risk of their delivery. An LBE supplier is a firm with the financial and physical capability to purchase, to stock, and to distribute or sell the materials, supplies, articles or equipment of the general character described by the specifications and required under the contract consistent with relevant industry practice in the usual course of business. No LBE subcontracting credit beyond 60% of the cost of materials, supplies, articles or equipment will be credited for any claimed services provided by the LBE supplier. To receive LBE subcontracting participation credit, the trade package bidder must list the LBE supplier on Form 2A/TP/NP (and Form 2A/TP/NP ALT, if applicable).
13. If a trade package bidder obtains materials, supplies, articles or equipment from an LBE supplier certified by CMD to supply such items, and the supplier performs a Commercially Useful Function by purchasing and selling the items, but does not take possession of the items and assume the risk of their delivery, then the LBE supplier is serving as a broker or agent, and only 5% of the cost of the materials or supplies will count toward the LBE subcontracting goal. No LBE subcontracting credit beyond 5% of the cost of materials or supplies will be credited for any claimed services (including, but not limited to, costs of insurance, warehousing or general maintenance) provided by the LBE supplier/broker. To receive LBE subcontracting credit, the trade package bidder must list the LBE supplier/broker on Form 2A/TP/NP (and Form 2A/TP/NP ALT, if applicable).
14. For CMD-certified LBE equipment rental firms, 60% of the equipment rental fee (current market rate) of equipment owned by the LBE equipment rental firm will be credited towards the LBE subcontracting participation goal. To receive LBE subcontracting credit, the trade package bidder must list the LBE equipment rental firm on Form 2A/TP/NP (and Form 2A/TP/NP ALT, if applicable).

Specially Manufactured Items – Applicable to Construction Services/Trade Package Bids

15. The trade package bid documents or specifications may list material, articles, equipment or other manufactured items that have been designated as Specially Manufactured Items for the purposes of the LBE subcontracting participation goal. A Specially Manufactured Item is an item that is not supplied by suppliers or construction subcontractors in the usual course of business.
16. If the trade package bid documents or specifications expressly identify one or more Specially Manufactured Items, CMD will calculate LBE subcontracting credit for such items according to the following rules:



- a. If a Specially Manufactured Item is manufactured by and purchased from a CMD-certified LBE manufacturer, 100% of the purchase order amount will be credited towards meeting the LBE subcontracting participation goal, regardless of who installs the item. To receive LBE subcontracting credit, the trade package bidder must list the LBE manufacturer on Form 2A/TP/NP (and Form 2A/TP/NP ALT, if applicable).
- b. If a Specially Manufactured Item is purchased from a CMD-certified LBE supplier, only 5% of the purchase price of the item will be credited towards meeting the LBE subcontracting goal. No LBE participation credit beyond 5% of the purchase price will be credited for any claimed services (including, but not limited to, costs of insurance, warehousing, and general maintenance) provided by the LBE supplier. To receive LBE subcontracting credit, the trade package bidder must list the LBE supplier on Form 2A/TP/NP (and Form 2A/TP/NP ALT, if applicable).
- c. If a Specially Manufactured Item is supplied and installed by a CMD-certified LBE construction subcontractor, 5% of the purchase price of the item and 100% of the installation labor cost will be credited towards meeting the LBE subcontracting goal, provided that installation by the construction subcontractor reflects normal industry practice. To receive LBE subcontracting credit, the bidder must list the LBE construction subcontractor on Form 2A/TP/NP (and Form 2A/TP/NP ALT, if applicable).
- d. A trade package bidder may receive full (100%) LBE subcontracting 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 a CMD-certified construction subcontractor in accordance with normal industry practice. To receive LBE subcontracting credit, the trade package bidder must list the LBE construction subcontractor on Form 2A/TP/NP (and Form 2A/TP/NP ALT, if applicable).

LBE Truckers – Applicable to Construction Services/Trade Package Bids

17. CMD will count 100% credit toward the LBE subcontracting goal when an LBE-owned trailer is pulled by a LBE-owned cab and the driver of the cab is an employee/owner of the LBE trucking firm that owns the cab. CMD will count 60% credit toward the LBE subcontracting goal when an LBE-owned trailer is pulled by a non-LBE owned cab. CMD will count 60% credit toward the LBE goal when a non-LBE owned trailer is pulled by a LBE owned cab. CMD will count 0% credit toward the LBE subcontracting goal when a non-LBE-owned trailer is pulled by a non-LBE owned cab. To receive LBE subcontracting credit, the trade package bidder must list the LBE trucking firm on Form 2A/TP/NP (and Form 2A/TP/NP ALT, if applicable).
17. In order to receive LBE subcontracting credit for Trucking and Hauling, the LBE must own the cab or trailer at the time of bid and be certified under the category “Trucking and Hauling” with the CMD’s Certification Unit. The following items fall under the “Trucking and Hauling” category: cabs and trailers. Prior to the bid due date, the LBE must have provided ownership information and all necessary permits and registration for the Trucking and Hauling items that will be utilized for the project to CMD’s Certification Unit which will verify and add this information to the certification file. During the course of the contract the CMD Director may authorize subcontracting credit for vehicles or equipment purchased or leased after the time of bid on a case by case basis.

Construction Equipment

18. Construction Equipment firms are firms that sell and/or rent construction equipment. For example, items such as storage tanks, grit separators, debris boxes, etc. are considered Construction Equipment



and not under the "Trucking and Hauling" Category. If these items are utilized in conjunction with trucking and hauling operations, they are still classified in the Construction Equipment Category. In order to receive LBE subcontracting credit for these types of items, a Bidder, at the time of bid, must be certified under the category of "Construction Equipment" with the CMD's Certification Unit.

19. Prior to the bid due date, the LBE must have provided ownership information of the Construction Equipment items that will be utilized for the project to CMD's Certification Unit which will verify and add this information to the certification file. Please contact the CMD Certification Unit at 415-581-2319 for further information and assistance as the LBE will need to provide documents appropriate to the firm's stock, inventory, and business model. During the course of the contract the CMD Director may authorize subcontracting credit for vehicles or equipment purchased or leased after the time of bid on a case by case basis.

Note: LBE firms in the "Construction Equipment" category are equipment sales and rental firms. For CMD certified LBE equipment rental firms, only 60% of the equipment rental fee (current market rate) will be credited towards the LBE subcontracting participation goal.

- 3.02 Substitution, removal, or contract modification of LBE:** No LBE subcontractor, subconsultant, supplier, trucker or other business listed on Form 2A, Form 2A/TP/NP or Form 2A/TP/NP ALT (if applicable) shall be substituted, removed from the contract or have its contract, purchase order or other form of agreement modified in any way without prior CMD approval. [Note: As set forth in Subsection 1.02(B)(2)(a) of this Attachment, CMD will **not** approve the substitution of an LBE construction subcontractor, supplier/manufacture or specialty subcontractor listed on an originally-submitted CMD Form 2A/TP/NP when applying the Grace Period process described in that Subsection.] Contractor must conduct good faith efforts to replace an LBE subcontractor with another LBE subcontractor to comply with the LBE participation requirements. In addition, any new subcontractors must have CMD's prior approval.

PART IV. NON-DISCRIMINATION REQUIREMENTS

4.01 GENERAL

As a condition of contract award, Contractors and subcontractors' shall comply with the nondiscrimination requirements as defined by Chapter 12B of the Administrative Code., and with the hiring of economically disadvantaged persons as required by the City's First Source Program, Chapter 83 of the Administrative Code and as required by the City's Public Works Contracting Policies and Procedures, Chapter 6 of the Administrative Code.

4.02 NON-DISCRIMINATION PROVISIONS

- A. Prior to the award of the contract, Contractor shall agree in its bid/proposal that it will abide by Administrative Code Chapter 12B by not discriminating in the provision of benefits between its employees with spouses and its employees with domestic partners, as required by Chapter 12B.
- B. Contractor shall promote and ensure equal employment opportunities for persons of all ethnic backgrounds and genders in the construction workforce. Prior to award of the contract, Contractor shall agree in its bid/proposal that it will abide by Administrative Code Chapter 12B by not discriminating against any employee or applicant for employment because of race, color, religion, ancestry, national origin, age, sex, sexual orientation, gender identity, domestic partner status, marital status, height, weight, disability or AIDS/HIV status, or association with members of classes protected under this chapter or in retaliation for opposition to any practices forbidden under Chapter 12B. This prohibition includes discrimination in employment, upgrading, demotion, transfer, recruitment advertising or recruitment, layoff or termination,



rates of pay or other forms of compensation, and selection for training including apprenticeship. Contractors shall place the same requirements in its subcontracts.

- C. Contractor and its subcontractors shall send to each labor union with which they have a collective bargaining agreement a notice advising the union of this commitment to nondiscrimination and shall post copies of this notice in conspicuous places available to employees and applicants for employment.
- D. Neither the provision of a collective bargaining agreement nor the failure of a union with whom contractor has a collective bargaining agreement to refer any group of persons for employment shall excuse contractors' or its subcontractors' obligations not to discriminate under these provisions.
- E. Contractor and its subcontractors shall ensure that all forepersons, superintendents and other on-site supervisory personnel maintain a working environment free of harassment, intimidation, and coercion.
- F. Contractor and its subcontractors shall ensure that all facilities and company activities are non-segregated except that separate or single-user toilet and changing facilities shall be provided to accommodate all workers.
- G. Upon HRC request, an authorized representative of the contractor, its subcontractors and suppliers will actively participate in compliance review meetings with a representative of the HRC to review the implementation of these nondiscrimination 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. Contractors and subcontractors shall abide by any nondiscrimination program imposed by the HRC under Chapter 12B.4.
- H. Non-Compliance and Sanctions:
 - 1. A complaint of discrimination in employment initiated by any party after contract award will be processed in accordance with the HRC Rules of Procedures, adopted pursuant to Chapter 12B of the San Francisco Administrative Code.
 - 2. A finding of discrimination may result in imposition of financial penalties and debarment from City contracting.



FORM 2A: CMD CONTRACT PARTICIPATION FORM
(Pre-Construction Services Only)

Section 1: Bidder/Proposer must submit this Form with its bid/proposal or the bid/proposal may be deemed non-responsive and rejected. Prime Bidder/Proposer, and any Subconsultants, Subcontractors, and lower sub tiers that will perform Pre-Construction Services must be listed on this form. Only CMD certified Small and/or Micro LBEs can be used to meet the LBE subcontracting/subconsultant participation goal unless the bid documents or request for proposals authorize the use of SBA LBEs to meet the LBE subcontracting participation goal. A Small and/or Micro LBE Prime proposer must meet the subcontracting goal. A Small and/or Micro LBE Prime proposer may not count its participation towards meeting the LBE subcontracting goal. Be sure to check the applicable box for Rating Bonus. If more space is needed, attach additional copies of this form.

Contract:		RATING BONUS	
		<input type="checkbox"/> Micro- or Small-LBE 10%	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/> SBA-LBE 2%	<input type="checkbox"/> No Ratings Bonus Requested
Firm:			
Contact Person:		LBE Goal %	
Address:			
City/ZIP			
Phone			

TYPE*	FIRM	PORTION OF WORK (DESCRIBE SCOPE(S) OF WORK)	% OF WORK	INDICATE LBE YES/NO	IF AN LBE, INDICATE MBE, WBE, or OBE **	% OF LBE SUBWORK
			%			%
			%			%
			%			%
			%			%
			100%	TOTAL LBE SUBCONSULTING/ SUBCONTRACTING %		%

I declare, under penalty of perjury under the laws of the State of California, that I am utilizing the above contractors and/or consultants for the portions of work and amounts as reflected in the Bid or Proposal for this Contract.

Owner/Authorized Representative Signature		Date:	
Print Name and Title			

* Type: Identify if Prime (P), JV Partner (J), Subconsultant/Subcontractor (S), or Vendor (V)

** LBE Status: MBE = Minority Business Enterprise, WBE = Women Business Enterprise, OBE = Other Business Enterprise. See CMD website (www.sf-CMD.org) for each firm's status.



Section 2. Prime Bidder/Proposer, Subconsultant, and Subcontractor Information (Pre-Construction Services)

Provide information for each firm listed in Section 1 of this form. Firms which have previously worked on City contracts may already have a vendor number. Vendor numbers of LBE firms are located in the CMD LBE website at <http://www.sfgov.org/cmd>. Use additional sheets if necessary.

FIRM NAME:			VENDOR #:	
ADDRESS:			FEDERAL ID #:	
CITY, ST, ZIP:		PHONE:	FAX:	
SERVICE:				

FIRM NAME:			VENDOR #:	
ADDRESS:			FEDERAL ID #:	
CITY, ST, ZIP:		PHONE:	FAX:	
SERVICE:				

FIRM NAME:			VENDOR #:	
ADDRESS:			FEDERAL ID #:	
CITY, ST, ZIP:		PHONE:	FAX:	
SERVICE:				

FIRM NAME:			VENDOR #:	
ADDRESS:			FEDERAL ID #:	
CITY, ST, ZIP:		PHONE:	FAX:	
SERVICE:				

FIRM NAME:			VENDOR #:	
ADDRESS:			FEDERAL ID #:	
CITY, ST, ZIP:		PHONE:	FAX:	
SERVICE:				

FIRM NAME:			VENDOR #:	
ADDRESS:			FEDERAL ID #:	
CITY, ST, ZIP:		PHONE:	FAX:	
SERVICE:				



FORM 3: CMD COMPLIANCE AFFIDAVIT

1. I will ensure that my firm complies fully with the provisions of Chapter 14B of the San Francisco Administrative Code and its implementing Rules and Regulations and attest to the truth and accuracy of all information provided regarding such compliance.
2. Upon request, I will provide the CMD with copies of contracts, subcontract agreements, certified payroll records and other documents requested so the HRC and CMD (as applicable) may investigate claims of discrimination or non-compliance with either Chapter 12B or Chapter 14B.
3. I acknowledge and agree that any monetary penalty assessed against my firm by the Director of the CMD shall be payable to the City and County upon demand. I further acknowledge and agree that any monetary penalty assessed may be withheld from any monies due to my firm on any contract with the City and County of San Francisco.
4. I declare and swear under penalty of perjury under the laws of the State of California that the foregoing statements are true and correct and accurately reflect my intentions.

Signature of Owner/Authorized Representative: _____

Owner/Authorized Representative (Print): _____

Name of Firm (Print): _____

Title and Position: _____

Address, City, ZIP _____

Federal Employer Identification Number (FEIN): _____

Date: _____



FORM 2A/TP/NP: CMD CONTRACT PARTICIPATION FORM/TRADE PACKAGE

This Form implements the listing requirements of Administrative Code § 14B.19 for LBE subcontractors,¹ suppliers and service contractors who will perform trade package work.

Trade package bidder shall complete and submit this Form 2A/TP/NP with its bid. In the event the trade package low bidder fails to meet the stated goal, the bidder shall be allowed to make up the goal within two weeks of bid opening, provided the bidder does not violate the California Subletting and Subcontracting Fair Practices Act (Public Contract Code Section 4100 et seq.). Failure by the bidder to achieve the goal within the two week period, or within some other time allowed by the Director in writing, shall deem the bidder ineligible for award of the trade package subcontract. In such an instance, the Director and the Prime Contractor shall evaluate the second low bidder in the same manner for potential contract award.

Bidder's Form 2A/TP/NP submitted with its Bid shall identify each LBE subcontractor, supplier and service contractor (regardless of dollar amount of subcontract) for whom bidder seeks credit toward the LBE subcontractor participation goal set for the trade package. At a minimum, bidder must provide the following information with its bid for each LBE: (i) type of subcontractor [Box 1]; (ii) subcontractor name [Box 2]; (iii) location of the place of business [Box 3]; (iv) portion of the work that will be performed by the LBE [Box 4]; and (v) amount of subcontract work [Box 10]. Failure by trade package bidder to include the minimum identifying information specified above with the bid may make it impossible for CMD to determine whether or not bidder has met the LBE subcontractor participation goal and, therefore, may result in a determination that the bid is non-responsive. A bidder must satisfy the LBE subcontracting goal by using CMD certified Small and Micro-LBEs, unless the bid documents or request for proposals specifically authorizes the use of SBA-LBEs to meet the LBE subcontracting participation goal. A Small or Micro-LBE trade package bidder may count its own participation toward meeting the LBE subcontracting goal for the trade package.

Refer to Subsection 1.02(B)(2)(a) of CMD Attachment 7 for additional information regarding the use of this Form and application of the grace period authorized by Administrative Code § 14B.19.

1. TYPE OF SUBCONTRACTOR: <input type="checkbox"/> First Tier; <input type="checkbox"/> Lower Tier; <input type="checkbox"/> Supplier; <input type="checkbox"/> Service Contractor (e.g. Trucker)		
2. SUBCONTRACTOR NAME		
3. ADDRESS		
4. BID ITEMS/PORTION OF WORK		
5. PHONE NO.	6. VENDOR NO.	7. FEDERAL ID NO.
8. LICENSE NO.	9. SF BUSINESS TAX REG. NO.	10. AMOUNT OF SUB-CONTRACT WORK: \$
11. CERTIFIED LBE? <input type="checkbox"/> Yes; <input type="checkbox"/> No	12. IF LBE, CHECK ALL THAT APPLY: <input type="checkbox"/> MBE; <input type="checkbox"/> WBE; <input type="checkbox"/> OBE* <input type="checkbox"/> Small LBE; <input type="checkbox"/> Micro LBE; <input type="checkbox"/> SBA-LBE <input type="checkbox"/> SFPUC-LBE	

* MBE=Minority Business Enterprise, WBE=Women Business Enterprise, OBE=Other Business Enterprise.

¹ The term "subcontractor" shall mean a person as defined in § 14B.2 of the San Francisco Administrative Code.



Copy this page as needed to provide a complete listing. Page ____ of ____

1. TYPE OF SUBCONTRACTOR: <input type="checkbox"/> First Tier; <input type="checkbox"/> Lower Tier; <input type="checkbox"/> Supplier; <input type="checkbox"/> Service Contractor (e.g. Trucker)		
2. SUBCONTRACTOR NAME		
3. ADDRESS		
4. BID ITEMS/PORTION OF WORK		
5. PHONE NO.	6. VENDOR NO.	7. FEDERAL ID NO.
8. LICENSE NO.	9. SF BUSINESS TAX REG. NO.	10. AMOUNT OF SUB-CONTRACT WORK: \$
11. CERTIFIED LBE? <input type="checkbox"/> Yes; <input type="checkbox"/> No	12. IF LBE, CHECK ALL THAT APPLY: <input type="checkbox"/> MBE; <input type="checkbox"/> WBE; <input type="checkbox"/> OBE* <input type="checkbox"/> Small LBE; <input type="checkbox"/> Micro LBE; <input type="checkbox"/> SBA-LBE <input type="checkbox"/> SFPUC-LBE	

1. TYPE OF SUBCONTRACTOR: <input type="checkbox"/> First Tier; <input type="checkbox"/> Lower Tier; <input type="checkbox"/> Supplier; <input type="checkbox"/> Service Contractor (e.g. Trucker)		
2. SUBCONTRACTOR NAME		
3. ADDRESS		
4. BID ITEMS/PORTION OF WORK		
5. PHONE NO.	6. VENDOR NO.	7. FEDERAL ID NO.
8. LICENSE NO.	9. SF BUSINESS TAX REG. NO.	10. AMOUNT OF SUB-CONTRACT WORK: \$
11. CERTIFIED LBE? <input type="checkbox"/> Yes; <input type="checkbox"/> No	12. IF LBE, CHECK ALL THAT APPLY: <input type="checkbox"/> MBE; <input type="checkbox"/> WBE; <input type="checkbox"/> OBE* <input type="checkbox"/> Small LBE; <input type="checkbox"/> Micro LBE; <input type="checkbox"/> SBA-LBE <input type="checkbox"/> SFPUC-LBE	

1. TYPE OF SUBCONTRACTOR: <input type="checkbox"/> First Tier; <input type="checkbox"/> Lower Tier; <input type="checkbox"/> Supplier; <input type="checkbox"/> Service Contractor (e.g. Trucker)		
2. SUBCONTRACTOR NAME		
3. ADDRESS		
4. BID ITEMS/PORTION OF WORK		
5. PHONE NO.	6. VENDOR NO.	7. FEDERAL ID NO.
8. LICENSE NO.	9. SF BUSINESS TAX REG. NO.	10. AMOUNT OF SUB-CONTRACT WORK: \$
11. CERTIFIED LBE? <input type="checkbox"/> Yes; <input type="checkbox"/> No	12. IF LBE, CHECK ALL THAT APPLY: <input type="checkbox"/> MBE; <input type="checkbox"/> WBE; <input type="checkbox"/> OBE* <input type="checkbox"/> Small LBE; <input type="checkbox"/> Micro LBE; <input type="checkbox"/> SBA-LBE <input type="checkbox"/> SFPUC-LBE	

* MBE=Minority Business Enterprise, WBE=Women Business Enterprise, OBE=Other Business Enterprise.

If this is the last page, complete the following:

TOTAL PERCENTAGE OF LBE PARTICIPATION CLAIMED FOR WORK: _____%
--



FORM 2A/TP/NP ALT: CMD CONTRACT PARTICIPATION FORM/TRADE PACKAGE (ALTERNATE WORK)

Pursuant to Chapter 14B, compliance with the LBE subcontracting participation goal for a trade package is determined on the amount of the base bid. However, LBE subcontractor participation listed on this Form for selected alternates may be credited towards the LBE subcontracting participation goal. Bidders must satisfy the LBE subcontracting goal by using CMD certified Small and Micro-LBEs, unless the bid documents or request for proposals specifically authorizes the use of SPFUC LBEs and/or SBA-LBEs to meet the LBE subcontracting goal.

1. TYPE OF SUBCONTRACTOR: <input type="checkbox"/> First Tier; <input type="checkbox"/> Lower Tier; <input type="checkbox"/> Supplier; <input type="checkbox"/> Service Contractor (e.g. Trucker)		
2. SUBCONTRACTOR NAME		
3. ADDRESS		
4. BID ITEMS/PORTION OF WORK		
5. PHONE NO.	6. VENDOR NO.	7. FEDERAL ID NO.
8. LICENSE NO.	9. SF BUSINESS TAX REG. NO.	10. AMOUNT OF SUB-CONTRACT WORK: \$
11. CERTIFIED LBE? <input type="checkbox"/> Yes; <input type="checkbox"/> No	12. IF LBE, CHECK ALL THAT APPLY: <input type="checkbox"/> MBE; <input type="checkbox"/> WBE; <input type="checkbox"/> OBE* <input type="checkbox"/> Small LBE; <input type="checkbox"/> Micro LBE; <input type="checkbox"/> SBA-LBE <input type="checkbox"/> SFPUC-LBE	

1. TYPE OF SUBCONTRACTOR: <input type="checkbox"/> First Tier; <input type="checkbox"/> Lower Tier; <input type="checkbox"/> Supplier; <input type="checkbox"/> Service Contractor (e.g. Trucker)		
2. SUBCONTRACTOR NAME		
3. ADDRESS		
4. BID ITEMS/PORTION OF WORK		
5. PHONE NO.	6. VENDOR NO.	7. FEDERAL ID NO.
8. LICENSE NO.	9. SF BUSINESS TAX REG. NO.	10. AMOUNT OF SUB-CONTRACT WORK: \$
11. CERTIFIED LBE? <input type="checkbox"/> Yes; <input type="checkbox"/> No	12. IF LBE, CHECK ALL THAT APPLY: <input type="checkbox"/> MBE; <input type="checkbox"/> WBE; <input type="checkbox"/> OBE* <input type="checkbox"/> Small LBE; <input type="checkbox"/> Micro LBE; <input type="checkbox"/> SBA-LBE <input type="checkbox"/> SFPUC-LBE	

* MBE=Minority Business Enterprise, WBE=Women Business Enterprise, OBE=Other Business Enterprise.



Copy this page as needed to provide a complete listing. Page ____ of ____

1. TYPE OF SUBCONTRACTOR: <input type="checkbox"/> First Tier; <input type="checkbox"/> Lower Tier; <input type="checkbox"/> Supplier; <input type="checkbox"/> Service Contractor (e.g. Trucker)		
2. SUBCONTRACTOR NAME		
3. ADDRESS		
4. BID ITEMS/PORTION OF WORK		
5. PHONE NO.	6. VENDOR NO.	7. FEDERAL ID NO.
8. LICENSE NO.	9. SF BUSINESS TAX REG. NO.	10. AMOUNT OF SUB-CONTRACT WORK: \$
11. CERTIFIED LBE? <input type="checkbox"/> Yes; <input type="checkbox"/> No	12. IF LBE, CHECK ALL THAT APPLY: <input type="checkbox"/> MBE; <input type="checkbox"/> WBE; <input type="checkbox"/> OBE* <input type="checkbox"/> Small LBE; <input type="checkbox"/> Micro LBE; <input type="checkbox"/> SBA-LBE <input type="checkbox"/> SFPUC-LBE	

1. TYPE OF SUBCONTRACTOR: <input type="checkbox"/> First Tier; <input type="checkbox"/> Lower Tier; <input type="checkbox"/> Supplier; <input type="checkbox"/> Service Contractor (e.g. Trucker)		
2. SUBCONTRACTOR NAME		
3. ADDRESS		
4. BID ITEMS/PORTION OF WORK		
5. PHONE NO.	6. VENDOR NO.	7. FEDERAL ID NO.
8. LICENSE NO.	9. SF BUSINESS TAX REG. NO.	10. AMOUNT OF SUB-CONTRACT WORK: \$
11. CERTIFIED LBE? <input type="checkbox"/> Yes; <input type="checkbox"/> No	12. IF LBE, CHECK ALL THAT APPLY: <input type="checkbox"/> MBE; <input type="checkbox"/> WBE; <input type="checkbox"/> OBE* <input type="checkbox"/> Small LBE; <input type="checkbox"/> Micro LBE; <input type="checkbox"/> SBA-LBE <input type="checkbox"/> SFPUC-LBE	

1. TYPE OF SUBCONTRACTOR: <input type="checkbox"/> First Tier; <input type="checkbox"/> Lower Tier; <input type="checkbox"/> Supplier; <input type="checkbox"/> Service Contractor (e.g. Trucker)		
2. SUBCONTRACTOR NAME		
3. ADDRESS		
4. BID ITEMS/PORTION OF WORK		
5. PHONE NO.	6. VENDOR NO.	7. FEDERAL ID NO.
8. LICENSE NO.	9. SF BUSINESS TAX REG. NO.	10. AMOUNT OF SUB-CONTRACT WORK: \$
11. CERTIFIED LBE? <input type="checkbox"/> Yes; <input type="checkbox"/> No	12. IF LBE, CHECK ALL THAT APPLY: <input type="checkbox"/> MBE; <input type="checkbox"/> WBE; <input type="checkbox"/> OBE* <input type="checkbox"/> Small LBE; <input type="checkbox"/> Micro LBE; <input type="checkbox"/> SBA-LBE <input type="checkbox"/> SFPUC-LBE	

* MBE=Minority Business Enterprise, WBE=Women Business Enterprise, OBE=Other Business Enterprise.

If this is the last page, complete the following:

TOTAL PERCENTAGE OF LBE PARTICIPATION CLAIMED FOR ALTERNATE WORK: _____%
--

**FORM 6/TP/NP: CMD LBE SUBCONTRACTOR PARTICIPATION AFFIDAVIT/TRADE PACKAGE**

This affidavit is to be completed by each LBE subcontractor or supplier (including lower tier subcontractors and suppliers) and submitted to the apparent low trade package bidder. The apparent trade package low bidder shall submit the completed affidavits and copies of the subcontractors' or suppliers' bid quotations to the CM/GC no later than 5:00 p.m. on the fifth business day following the trade package bid opening. Subcontractor may attach additional sheets if more space is needed to provide complete information.

Contract Number: _____ Contract Name: _____

Name of Bidder: _____

Name of LBE Sub or Supplier: _____

License #: _____ Scope of work: _____

1. _____ verify that _____ bid to
Name of LBE Owner/Representative LBE Firm

the above referenced Bidder for subcontracting work in the amount of \$ _____ and have
been offered a subcontract in that amount.

2. Please list major vendors/suppliers of goods/services for this project:

Name	Phone	Product(s)	\$ Amount
			\$
			\$
			\$

3. Please describe scope(s) of work:

4. Check one:

☐ We will NOT subcontract out ANY portion of our work to another subcontractor.

☐ We WILL subcontract out _____% of our
work to:

Firm

in the amount of \$ _____. This business is a: ☐ LBE Certified ☐ Not LBE Certified.

5. ☐ I have enclosed a copy of my Firm's Bid Quotation.

I declare, under penalty of perjury, that the above information is true and correct and that our firm is a bona fide, certified LBE as defined under Chapter 14B of the San Francisco Administrative Code.

LBE Owner/Authorized Representative (Signature)

Date

Name and Title (Print)

Phone



FORM 6A/TP/NP: CMD LBE TRUCKING FORM/TRADE PACKAGE

This form is to be completed by apparent low trade package bidder to describe the complete scope of trucking work to be performed for the trade package work and submitted to the CM/GC by 5 p.m. on the fifth day following trade package bid opening.

Contract Number: _____ Contract Name: _____

Trade Package Name: _____

SECTION 1. TRUCKING ESTIMATE

Products to be Hauled:		
Type of equipment needed/indicate maximum Number of trucks needed per day:		
Quantity of product to be hauled:		
Estimated quantity per truckload:		
Estimated number of truckloads:		
Products to be hauled from (give point of origin):		
Estimated Number of truck hours per trip:		
Trucking Rate:		
Estimate of total trucking (Number of loads times hours per trip times trucking hourly rate):		

If an assigned Trucker is being paid for Administrative Work (i.e. Dispatcher), Describe and State Amount to be Paid:

Is this assigned Trucking firm an LBE or Non-LBE firm, specify:

☐ LBE ☐ Non-LBE

Total Dollar Amount Committed to LBE Truckers: \$ _____

* Disposal fee and equipment rental fee will not be counted towards meeting the LBE trucking dollars amount.

SECTION 2. TRUCKING AND HAULING FIRMS

List below CMD certified LBE trucking and hauling firms that will be utilized for this trade package work. *Photocopy this form for additional truckers and provide the requested information for each LBE trucker.*

Firm Name:	<input type="checkbox"/> LBE <input type="checkbox"/> Non-LBE
Products to be hauled:	
Number of Trucks Needed:	
Type of Trucks Needed:	
Proposed Dollar Amount of subcontract:	



Firm Name:	<input type="checkbox"/> LBE <input type="checkbox"/> Non-LBE
Products to be hauled:	
Number of Trucks Needed:	
Type of Trucks Needed:	
Proposed Dollar Amount of subcontract:	

Firm Name:	<input type="checkbox"/> LBE <input type="checkbox"/> Non-LBE
Products to be hauled:	
Number of Trucks Needed:	
Type of Trucks Needed:	
Proposed Dollar Amount of subcontract:	

Firm Name:	<input type="checkbox"/> LBE <input type="checkbox"/> Non-LBE
Products to be hauled:	
Number of Trucks Needed:	
Type of Trucks Needed:	
Proposed Dollar Amount of subcontract:	

Firm Name:	<input type="checkbox"/> LBE <input type="checkbox"/> Non-LBE
Products to be hauled:	
Number of Trucks Needed:	
Type of Trucks Needed:	
Proposed Dollar Amount of subcontract:	

I declare, under penalty of perjury that I am the owner or authorized representative of this firm and that the foregoing is true and correct.

Owner/Authorized Representative (Signature)

Name and Title (Print)

Firm Name

Telephone Date



FORM 7: CMD PROGRESS PAYMENT FORM

FOR REFERENCE ONLY. To be submitted electronically using the LBEUTS. FOR INFORMATION VISIT WWW.SFGOV.ORG/LBEUTS.

To be entered online by CM/GC, trade package bidder or negotiated trade package bidder (whichever is applicable) for each trade package, negotiated trade package and/or master contract payment and submitted to the Contract Awarding Authority with CM/GC's, trade package bidder's or negotiated trade package bidder's (whichever is applicable) monthly progress payment request.

TRANSMITTAL

TO: City Representative or Inspector
FROM: _____
COPY: CMD Contract Compliance Officer
Date: _____

SECTION 1. Fill in all the blanks

Contract Number: _____ Contract Name: _____
Reporting Period From: _____ To: _____ Progress Payment No: _____

The information submitted on Sections 1 and 2 of this form must be cumulative for the entire contract. Additionally, the information submitted on Sections 1 and 2 of this form must be consistent. See next page for Section 2.

1. Original Contract Award Not-To-Exceed Amount:	\$ _____
2. Amount of Change Orders, Amendments, and Modifications to Date:	\$ _____
3. Current Contract Not-To-Exceed Amount (<i>Line 1 + Line 2</i>):	\$ _____
4. Gross Amount Invoiced this submittal period:	\$ _____
5. All Previous Gross Amounts Invoiced:	\$ _____
6. Total Gross Amounts of Progress Payments Invoiced to Date (<i>Line 4 + Line 5</i>):	\$ _____
7. Percent Complete (<i>Line 6 ÷ Line 3</i>):	_____ %

Contractor must sign this form

Owner/Authorized Representative (Signature)

Name and Title (Print)

Firm Name

Telephone

Fax

Date



SECTION 2. For column “A”, list the CM/GC, trade package bidder or negotiated trade package bidder (whichever is applicable), each joint venture partner and ALL subcontractors and suppliers including 2nd and 3rd tier subcontractors. Make copies if more space is needed. CM/GC must retain copies of all the CM/GC and subcontractor invoices supporting the information tabulated for this progress payment. CMD reserves the right to request and review this information up to three (3) years following project completion and, upon request, CM/GC, trade package bidder or negotiated trade package bidder (whichever is applicable) shall submit the requested information to CMD within 10 business days.

Notes: 1. Failure to submit all required information may lead to partial withholding of progress payment. (See Chapter 14B)

2. All firms must be CONTINUOUSLY listed on column “A” regardless if a firm is requesting payment.

Identify the LBE Goal for this contract: %

A	B	C	D	E	F	G	H
Name of Firm List Contractor and all subcontractors, (including lower tier subcontractors and Suppliers. Indicate if the firm is an LBE	Service Performed	Amount of Contract or Purchase Order at Time of Award	Amount of Change Orders/Modifications to Date	Total Amount of Contract or Purchase Order to Date +/- Change Orders/Modifications (C + D) or (C-D)	Amount Invoiced this Reporting Period	Amount Invoiced to Date, including Amount Invoiced this Reporting Period (F)	Percent Completed to Date (G÷E)
							%
							%
							%
							%
							%
							%
							%
							%
							%
LBE Sub-Totals							%
CONTRACT TOTALS							%



FORM 9: CMD PAYMENT AFFIDAVIT

FOR REFERENCE ONLY. To be submitted electronically using the LBEUTS. FOR INFORMATION VISIT WWW.SFGOV.ORG/LBEUTS.

To be entered online by CM/GC, trade package bidder or negotiated trade package bidder (whichever is applicable) for each trade package, negotiated trade package and/or master contract payment and submitted to the Contract Awarding Authority and CMD within ten (10) working days following receipt of each progress payment from the Contract Awarding Authority, EVEN if there is no sub payment for this reporting period.

TRANSMITTAL

TO: City Representative _____
FROM (Contractor): _____

COPY: CMD Contract Compliance Officer _____
Date: _____

List the following information for each progress payment received from the Contracting Awarding Authority. Use additional sheets to include complete payment information for all subcontractors (including lower tier subcontractors) and suppliers utilized on this Contract. Failure to submit all required information may lead to partial withholding of progress or final payment.

Contract Number: _____ Contract Name: _____

Contract Awarding Department: _____

Progress Payment No.: _____ Period Ending: _____

Amount Received: \$ _____ Date: _____ Warrant/Check No.: _____

☐ Check box and sign below if there is no sub payment for this reporting period.

Subcontractor/Supplier Name	Business Address	Amount Paid	Payment Date	Check Number

I declare, under penalty of perjury under the laws of the State of California, that the above information is complete and that the tabulated amounts paid to date are accurate and correct. Contractor must sign this form.

Owner/Authorized Representative (Signature)

Name and Title (Print)

Firm Name



Telephone _____

Date _____

FORM 8: CMD EXIT REPORT AND AFFIDAVIT

For each trade package, negotiated trade package and/or work under the master contract, CM/GC, trade package bidder or negotiated trade package bidder (whichever is applicable) must complete and sign this form (Sections 1 and 4) for each LBE subcontractor (incl. each lower-tier LBE subcontractor), supplier and trucker. All LBEs must complete and sign Sections 2 and 3 of this form. These forms should be submitted to the Contract Awarding Authority and CMD with the final progress payment request for each trade package and/or negotiated trade package.

TRANSMITTAL

TO: City Representative _____

COPY: CMD Contract Compliance Officer _____

FROM (Contractor): _____

Date Transmitted: _____

SECTION 1. Please check this box if there are no LBE subcontractors/suppliers for this contract: ☐

Reporting Date: _____

Contract Name: _____

Name of LBE: _____

Portion of Work (Trade): _____

Original LBE Contract Amount: _____

\$ _____

Change Orders, Amendments, Modifications: _____

\$ _____

Final LBE Contract Amount: _____

\$ _____

Amount of Progress Payments Paid to Date: _____

\$ _____

Amount Owning including all Change Orders, Amendments and Modifications \$ _____

Explanation by contractor if the final contract amount for this LBE is less than the original contract amount:

SECTION 2. Please check one:☐ I did NOT subcontract out ANY portion of our work to another subcontractor.☐ I DID subcontract out our work to:

Name of Firm: _____

Amount Subcontracted: \$ _____

Name of Firm: _____

Amount Subcontracted: \$ _____

(OVER)



SECTION 3.

To be signed by the LBE:

☐ I agree ☐ I disagree

Explanation by LBE if it is in disagreement with the above explanation or with the information on this form. LBE must complete this section within 5 business days after it has received it from the CM/GC, trade package bidder or negotiated trade package bidder (whichever is applicable). It is the LBE's responsibility to address any discrepancies within 5 business days concerning the final amount owed. If the LBE fails to submit the form within 5 business days, the CM/GC, trade package bidder or negotiated trade package bidder (whichever is applicable) will note this on the form and submit the form as is with the final progress payment.

Owner/Authorized Representative (Signature)

Name and Title (Print)

Firm Name

Telephone

Date

SECTION 4.

If this form is submitted without the LBE's signature, the CM/GC, trade package bidder or negotiated trade package bidder (whichever is applicable) must enclose verification of delivery of this form to the subcontractor/supplier.

I declare, under penalty of perjury under the laws of the State of California, that the information contained in Section 1 of this form is complete, that the tabulated amounts paid to date are accurate and correct, and that the tabulated amounts owing will be paid within three (3) days after receipt of the City's final payment under the Contract.

Owner/Authorized Representative (Signature)

Name and Title (Print)

Firm Name

Telephone

Date



FORM 10: CMD CONTRACT MODIFICATION FORM

For the master contract, each trade package and each negotiated trade package the CM/GC, trade package bidder or negotiated trade package bidder (whichever is applicable) must submit this form with the required supporting documentation when processing amendments, modifications or change orders that cumulatively increase the original contract not-to-exceed amount by more than 20%, and then for all subsequent amendments, modifications or change orders. This form must be completed prior to the approval of such amendments, modifications or change orders.

Name of Project/Contract Title: _____

Original Contract Not-To-Exceed Amount: _____

Contract Not-To-Exceed Amount as Modified to
Date: _____

Amount of Current Modification Request: _____

REQUIRED ATTACHMENTS:

1. A list of the new overall contract amounts for the prime contractor, subcontractors, and vendors.
2. A list of all prior contract amendments, modifications, supplements, and/or change orders leading up to this modification, including those leading up to the amendment which increased the original contract not-to-exceed amount by more than 20%.
3. A spreadsheet showing each firm's participation for the overall contract, including each firm's participation to date and proposed participation under the modification.
4. A brief description of the work to be performed under this amendment, modification, or change order.

Owner/Authorized Representative (Signature)

Name and Title (Print)

Firm Name

Telephone

Date