CITY & COUNTY OF SAN FRANCISCO
CONTRACT MONITORING DIVISION

CMD ATTACHMENT 3
Requirements for General Services Contracts

For Contracts in Excess of $300,000 & over that are Advertised on or after August 1, 2015

PART I. GENERAL

1.01 SAN FRANCISCO ADMINISTRATIVE CODE CHAPTERS 12B AND 14B

A. To be eligible for this contract award, prime 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, 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 proposer or consultant 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 rating discount, referred to in this Attachment 3 as a "rating bonus/bid discount," for CMD certified firms, subject to certain limitations and exceptions. The Certification Application is available on the CMD website at http://www.sfgov.org/cmd.

IMPORTANT NOTICE: In this CMD Attachment 3, the term "LBE" refers to only San Francisco ("SF") CMD Certified LBEs and NPEs and, therefore, does not include SFPUC LBEs.

For assistance with this CMD Attachment
and/or assistance with the Equal Benefits Program,
please contact the CMD Main Office at (415) 581-2310

1.02 SUBMISSION OF CMD FORMS

A. U**nless otherwise authorize**d by CMD, the proposer must submit the following CMD forms in a separate sealed envelope marked "CMD Forms" with the proposal. Failure to complete or submit any of the CMD Forms may cause the proposal to be deemed non-responsive and ineligible for contract award.

Proposers are responsible for reviewing the specific instructions and requirements on each CMD form.

1. **Form 2A: CMD Contract Participation Form:** Identify LBE subcontractors, vendors, and lower tier subcontractors that the proposal relies on to meet LBE subcontractor participation requirement. Check the appropriate box under rating bonus/bid discount.

2. **Form 2B: CMD "Good Faith Outreach" Requirements Form:** Document solicitation of LBE participation. This form must be submitted for every solicitation that includes LBE subcontractor participation. Proposer shall meet the specified LBE subcontractor participation requirement and shall complete and submit Form 2B in accordance with Form 2B instructions.

   In accordance with Section 14B.8(B) of the Administrative Code ("Code"), if a proposer does not demonstrate in its proposal that proposer exceeds the established LBE subcontracting participation requirement by at least 35%, such proposer must demonstrate adequate good faith efforts to meet the LBE subcontracting participation requirement. Such proposer must complete and submit Form 2B as required by Form 2B instructions and must submit all good faith documentation as specified in Form 2B with its proposal. Failure to meet the LBE subcontracting participation requirement and demonstrate/document adequate good faith efforts shall cause the proposal to be determined non-responsive and rejected.

   If a proposer demonstrates in its proposal that it exceeds the established LBE subcontracting participation requirement by 35% or more, such proposer is not required to conduct good faith outreach efforts or to submit evidence of good faith efforts. Such proposer shall complete and submit Form 2B as required by Form 2B instructions. **NOTE: A SMALL OR MICRO-LBE PRIME PROPOSER MAY COUNT ITS OWN CONTRACT WORK TOWARD THE 35% GOOD FAITH EFFORTS EXCEPTION.**

   - *Example*: The LBE subcontracting requirement is 10%. Good faith efforts requirements will be waived if the Proposer:
     1) Meets the 10% LBE subcontracting participation requirement; **AND**
     2) Has total LBE participation that equals or exceeds 13.5% of the total proposal amount. The 13.5% represents the 10% LBE subcontracting participation requirement plus 35% of that 10% subcontracting participation requirement.

LBE subcontracting participation requirement set for project	10.0%
35% of the 10% LBE subcontracting participation requirement	3.5%
Total LBE participation must equal or exceed:	13.5%

3. **Form 3: CMD Compliance Affidavit**: Must be signed by Proposer under penalty of perjury.

4. **Form 5: CMD Employment Form**: List the key personnel and responsibilities of the Proposer and Subcontractors.

1.03 CMD LBE UTILIZATION TRACKING SYSTEM AND CONTRACT PERFORMANCE FORMS:

A. LBE Utilization Tracking System

Information regarding the LBEUTS can be found at http://www.sfgov.org/LBEUTS

1. **FORM 7: CMD Progress Payment Form:** Primes shall submit online using the LBEUTS with each payment request. Failure to upload this information with each payment request may delay progress payment processing.

2. **FORM 9: CMD Payment Affidavit:** Following receipt of each progress payment from the Contract Awarding Authority, a Form 9 (or the information on Form 9) must be submitted online using the LBEUTS with the next progress payment request. Subconsultants are then required to acknowledge payment from Primes online using the LBEUTS. Failure to submit required information may lead to partial withholding of progress payment, even if there are no subcontractor payments for the reporting period.

B. **FORM 8: CMD Exit Report and Affidavit: Submit with final Form 7. A separate Form 8 must be** completed for each LBE subcontractor and supplier (including lower-tier subcontractors & suppliers).

C. **FORM 10: CMD Contract Modification Form:** This form shall be completed by the Prime Contractor when any (all) amendments, modifications, or supplemental change orders cumulatively increase the original contract amount by more than 20%, and then for all subsequent amendments, modifications or change orders that cumulatively increase the last CMD approved value by 20%.

D. Failure to submit all required information in the LBEUTS or any contract forms may result in sanctions under Chapter 14B, including but not limited to, withholding of progress and final payments

1.04 "GOOD FAITH OUTREACH" REQUIREMENTS

All proposers shall undertake adequate good faith outreach as set forth in Section 14B.8(C) of the Administrative Code to select subcontractors to meet the LBE subcontracting participation requirement, unless a proposer qualifies for the good faith efforts exception set forth in Section 14B.8(B) for proposers that demonstrate in their proposals that they exceed the established LBE subcontracting participation requirement by 35% or more. Please see example in Section 1.02A.2 above.

Under Section 14B.8(C) of the Code, proposals that do not meet the LBE subcontracting participation requirement set will be rejected as non-responsive unless the CMD Director finds that the proposer diligently undertook adequate good faith efforts required by Chapter 14B and that the failure to meet the participation requirement resulted from an excusable error.

A proposer must contact an LBE before listing that LBE as a subcontractor in the proposal. A proposal that fails to comply with this requirement will be rejected as non-responsive. Proposers are required to submit Form 2B and supporting documentation EVEN IF the LBE subcontracting participation requirement has been met.

1.04 NON COMPLIANCE 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 consultant has failed to comply with any of the requirements of the 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 consultant 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 consultant acted in good faith, after affording the consultant 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:

    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 consultant's net profit on the contract, 10% of the total amount of the contract or $1,000, whichever is greatest as determined by CMD.

3. The Director's determination of non-compliance is subject to appeal to the City Administrator pursuant to CMD Rules and Regulations.

4. An appeal by a consultant to the City Administrator shall not stay the Director's findings.

5. The CMD Director may require such reports, information and documentation from consultants, 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 consultant that a determination of non-compliance has been made and that all payments due the consultant 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. RATING BONUS/BID DISCOUNT

2.01 APPLICATION

A. **Eligibility for the LBE Rating bonus/bid discount:** Certified Small or Micro-LBEs, including certified non-profit organizations, are eligible for an LBE rating bonus/bid discount if the LBE is CMD certified in the type of work specified for the prime bidder by the Contract Awarding Authority. Under certain circumstances, SBA LBE's are eligible for an LBE rating bonus/bid discount. A 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 proposal is due is not an LBE and is not eligible to receive the rating bonus/bid discount even if the firm is later certified or ultimately prevails in its appeal.

B. **Application of the Rating bonus/bid discount:** The following rating bonus/bid discount shall apply at each stage of the selection process, i.e., qualifications, proposals, and interviews:

1. **Contracts with an Estimated Cost in Excess of $10,000 and Less Than or Equal To $400,000.**
   A 10% rating bonus/bid discount will apply to any proposal submitted by a CMD certified Small or Micro-LBE. Proposals submitted by SBA-LBEs are not eligible for a rating bonus/bid discount.

2. **Contracts with an Estimated Cost in Excess of $400,000 and Less Than or Equal To $10,000,000.** A 10% rating bonus/bid discount will apply to any proposal submitted by a CMD certified Small or Micro-LBE. Pursuant to Section 14B.7(E), a 5% rating bonus/bid discount will be applied to any proposal from an SBA-LBE, except that the 5% rating bonus/bid discount shall not be applied at any stage if it would adversely affect a Small or Micro-LBE.

3. **Contracts with an Estimated Cost In Excess of $10,000,000 and Less Than or Equal To $20,000,000.** A 2% rating bonus/bid discount will apply to any proposal submitted by a Small LBE, Micro LBE and SBA-LBE.

C. The Rating bonus/bid discount for Small or Micro-LBEs does not apply for contracts estimated by the Contract Awarding Authority to exceed $10 million. The rating bonus/bid discount for SBA-LBEs does not apply for contracts estimated by the Contract Awarding Authority to exceed $20 million.

PART III SUBCONTRACTOR PARTICIPATION

3.01 SUBCONTRACTOR PARTICIPATION REQUIREMENT

NOTE: FOR PURPOSES OF THE LBE SUBCONTRACTING REQUIREMENTS, "LBE" REFERS TO SMALL AND MICRO-LBES ONLY, UNLESS THE RFP EXPRESSLY ALLOWS FOR SBA-LBE SUBCONTRACTORS TO COUNT TOWARDS THE LBE PARTICIPATION REQUIREMENT.

A. All proposers shall achieve the LBE subcontractor participation requirement and undertake adequate good faith outreach as set forth in Section 14B.8(D) of the Ordinance to select subcontractors to meet the LBE subcontractor participation requirement unless the proposer meets the good faith outreach exception in Section 14B.8.(B). See example in Section 1.02A.2. The LBE subcontractor participation requirement can only be met with CMD certified Small and Micro-LBEs.

For a directory of certified LBEs, please go to:

http://www.sfgov.org/cmd

Proposals that do not meet the LBE subcontractor participation requirement set under 14B.8(A) of the Ordinance will be rejected as non-responsive unless the CMD Director finds that the proposer diligently undertook good faith efforts required by the Ordinance and that the failure to meet the requirement resulted from an excusable error.

B. Proposers must identify on Form 2A the particular LBE subcontractors and lower tier subcontractors to be utilized in performing the contract, specifying for each the percentage of participation, the type of work to be performed and such information as the CMD reasonably shall require to determine the responsiveness of the proposal. For a bidder to receive credit toward the LBE subconsultant participation requirement, a listed LBE subconsultant must be CMD certified in the scopes of work/ trade(s) specified on Form 2A.

The proposer must contact LBE subcontractors prior to listing them. LBEs must be certified with CMD on the proposal due date to receive LBE subcontracting credit. Listing an LBE that is not certified at the date and time the proposal is due will result in the loss of credit for that LBE subcontractor and may result in a non-responsive proposal.

Additionally, subcontractors may be listed by more than one proposer.

C. 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 proposal is due is not an LBE and cannot be counted as an LBE for purposes of achieving LBE subcontractor participation requirement even if the firm is later certified or ultimately prevails in its appeal.

D. Determination and calculation of LBE subcontractor participation:

1. The Small and/or Micro LBE subcontractor shall be listed to perform a specific task(s), which is described in the RFP or RFQ.

2. All work done by lower-tier Small and/or Micro-LBE subcontractors will be credited toward meeting the participation requirement.

EXAMPLE:

If the total subcontract amount = $1,000,000,

of which $200,000 is the lower-tier Small and/or Micro-LBE subcontractor's portion, then

$200,000 is credited toward the LBE subcontractor participation requirement.

4. If a Proposer owns or controls more than one business that is CMD certified as a Small and/or Micro-LBE, the proposer will not receive credit if it lists its other firms to meet the LBE subcontractor participation requirement when submitting as a prime. In determining ownership of a business, a business owned by proposer's spouse or domestic partner shall be deemed to be owned by the proposer.

5. It is the responsibility of the proposer to verify the subcontractor's LBE certification status.

6. A Small and/or Micro-LBE subcontractor must be certified in the type of work that the Proposer lists the firm for on CMD Form 2A.

7. The Small and/or Micro-LBE subcontractor must be utilized on the contract to perform a commercially useful function. No credit will be given for a LBE that serves as a pass-through.

8. LBE Manufacturers

If a 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 requirement, 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 bidder must list the LBE manufacturer on Document 00435 or Section 00 43 36 (and Document 00435A or Section 00 43 37, if applicable).

9. LBE Suppliers

a. If a 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 requirement 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 bidder must list the LBE supplier on Document 00435 or Section 00 43 36 (and Document 00435A or Section 00 43 37, if applicable).

b. If a 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 participation requirement. 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 bidder must list the LBE supplier/broker on Document 00435 or Section 00 43 36 (and Document 00435A or Section 00 43 37, if applicable).

c. 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 requirement. To receive LBE subcontracting credit, the bidder must list the LBE equipment rental firm on Document 00435 or Section 00 43 36 (and Document 00435A or Section 00 43 37, if applicable).

10. A Small and/or Micro-LBE Prime proposer must meet the LBE subcontractor participation requirement. A Small and/or Micro LBE Prime proposer may not count its participation towards meeting the LBE subcontractor participation requirement.

11. A Small and/or Micro-LBE Prime proposer may count its participation towards meeting the good faith outreach exception set forth in 14B.8(B).

E. **Substitution, removal, or contract modification of LBE:**

No LBE subcontractor listed on Form 2A 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. Additionally, no new subcontractors shall be added without prior CMD approval.

PART IV NON-DISCRIMINATION REQUIREMENTS

4.01 GENERAL

As a condition of contract award, Consultants and subcontractors shall comply with the nondiscrimination in employment provisions required by Chapter 12B of the Administrative.

4.02 NONDISCRIMINATION PROVISIONS

A. Prior to the award of the contract, the consultant must agree that it does and will not, during the time of the contract or any contract amendment, discriminate in the provision of benefits between its employees with spouses and employees with domestic partners.

B. The consultant and subcontractors on this contract will not discriminate 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, disability or AIDS/HIV status, weight, height, or association with members of classes protected under this chapter or in retaliation for opposition to any practices forbidden under this chapter. Discrimination on the basis of sex includes sexual harassment as defined in Section 16.9-25(b) of this Code. The Consultant, Contractor or Subcontractor will take action to ensure that applicants are employed, and that employees are treated equally during employment, without regard to the fact or perception of their race, color, creed, religion, ancestry, national origin, age, sex, sexual orientation, gender identity, domestic partner status, marital status, disability, weight, height, or AIDS/HIV status. Such action shall include, but not be limited to, the following: Employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rate of pay or other forms of compensation; and selection for training, including apprenticeship.

C. **Non-Compliance with Chapter 12B Prior to Contract Award**

The consultant and any subcontractors must be in compliance with the nondiscrimination provisions of Chapter 12B, on all existing City contracts prior to award of this contract.

Prior to the award of any City contract, the HRC has the authority to review the consultant's and subcontractor's prior performance to ensure compliance with the nondiscrimination provisions of Chapter 12B.

If the HRC determines that there is cause to believe that a consultant or subcontractor is not in compliance with the nondiscrimination provisions of Chapter 12B, the HRC shall notify the contract awarding authority and attempt to resolve the non-compliance through conciliation.

1. If the non-compliance cannot be resolved, the HRC shall submit to the consultant or subcontractor and the contract awarding authority a written Finding of Non-compliance.
2. The HRC shall give the consultant or subcontractor an opportunity to appeal the Finding.
3. The HRC may stay the award of any contract to a consultant where the consultant or any subcontractor is the subject of an investigation by written notice to the contract-awarding agency.

D. **Complaints of Discrimination after Contract Award**

1. A complaint of discrimination in employment initiated by any party after contract award shall be processed in accordance with the HRC Rules of Procedure, adopted pursuant to Chapter 12B of the San Francisco Administrative Code.
2. A finding of discrimination may result in imposition of appropriate sanctions, including:
   a. There may be deducted from the amount payable to the consultant or subcontractor under this contract a penalty of $50 for each person for each calendar day the person was discriminated against in violation of the provisions of the contract.
   b. The contract may be canceled, terminated or suspended in part by the contract awarding authority.
   c. The consultant, subcontractor or vendor may be determined ineligible to perform work or supply products on any City contract for a period not to exceed two years.

FORM 2A: CMD CONTRACT PARTICIPATION FORM

Section 1: This form must be submitted with the proposal or the proposal may be deemed non-responsive and rejected. Prime Proposer, Subcontractor, Vendors, and lower sub tiers must be listed on this form. Only CMD certified Small and/or Micro-LBEs can be used to meet the LBE subcontractor participation requirement unless the solicitation allows for SBA-LBE subcontractors to count towards the LBE participation requirement. A Small and/or Micro- LBE Prime proposer must meet the LBE subcontractor participation requirement. A Small and/or Micro-LBE Prime proposer may not count its own participation towards meeting the LBE subcontractor participation requirement. Be sure to check the appropriate box for rating bonus/bid discount. If more space is needed, attach additional copies of this form. This form must also be completed and submitted for all contract modifications which exceed the original contract amount by more than 20%.

Contract:		**RATING BONUS/BID DISCOUNT**
		☐ **LBE 10%**
Firm:		☐ **No Rating bonus/bid discount Requested**
Contact Person:		
Address:		
City/ZIP		**LBE Participation Requirement** **%**
Phone		

***Type: Identify if prime (P), Subcontractor (S), or Vendor (V)**

TYPE *	Firm	PORTION OF WORK (describe scope(s) of work)	% OF WORK	INDICATE LBE YES/NO	If an LBE, Identify MBE, WBE, or OBE **	% OF LBE SUBWORK (CARRY-OVER FROM % OF WORK COLUMN)
			%			%
			%			%
			%			%
			%			%
		Total % of Work: 100%		**Total LBE Subcontracting%**		%

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

Owner/Authorized Representative (Signature): _____ **Date:** _____

Print Name and Title: _____

** MBE = Minority Business Enterprise, WBE = Women Business Enterprise, OBE = Other Business Enterprise. See CMD website http://sfov.org/cmd for each firm's status.

Section 2. Prime Proposer, Subcontractor, and Vendor Information

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 #:**	
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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 2B: "GOOD FAITH OUTREACH" REQUIREMENTS FORM

This "Good Faith Outreach" form, along with the required supporting documentation must be completed and submitted per the instructions in this form EVEN IF the LBE subcontracting participation requirement has been met *(Section 14B.8 of the San Francisco Administrative Code). Proposers* may obtain a list of certified LBEs from the CMD website: *http://www.sfgov.org/cmd*

SECTION A

Under Section 14B.8(B) of the Administrative Code, the good faith outreach exception states that if a proposer demonstrates total LBE participation that exceeds by 35% the established LBE subcontractor participation requirement for the project, the proposer is not required to conduct good faith outreach efforts or to submit evidence of good faith outreach efforts. Note that a Small or Micro-LBE prime proposer may count its own Contract Work toward the 35% good faith outreach exception. Please see example in CMD Attachment 3, Section 1.02A.2.

Does your proposal demonstrate that you have exceeded the established LBE subcontractor participation requirement by 35% or more in accordance with Section 14B.8(B)? ☐ **YES*** ☐ **NO**

If the answer is yes, please check "YES", above, and complete Section C (if applicable) and Section D of this Form. If the answer is no, please check "NO", above, and complete Sections B and D of this Form, and submit all required supporting documentation in accordance with the instructions in Section B.

* Note: An answer of "YES", above, is subject to verification by CMD. If the CMD determines that proposer did not exceed the LBE subcontractor participation requirement by at least 35% and proposer either failed to undertake adequate good faith outreach efforts or failed to submit supporting documentation with its proposal as required by Section B, items 2 and 4, below, then proposer's proposal shall be declared non-responsive **AND INELIGIBLE FOR CONTRACT AWARD.**

NOTE: "LBE" REFERS TO SMALL AND MICRO-LBES ONLY, UNLESS THE SOLICITATION ALLOWS FOR SBA-LBE SUBCONTRACTORS TO COUNT TOWARDS THE LBE PARTICIPATION REQUIREMENT.

SECTION B

All proposers that do not qualify for the good faith outreach exception set forth in Section 14B.8(B) of the Administrative Code must complete this Section B and submit supporting documentation as required.

A proposer must achieve at least 80 points, as determined by CMD, to be deemed compliant with the "good faith outreach" requirements. A proposer who fails to achieve at least 80 points will be declared non-responsive, and the proposal will be rejected. Please check yes or no for each item listed below.

1. Did your firm attend the pre-proposal meeting scheduled by the City to inform all proposers of the LBE program requirements for this project? If the City does not hold a pre-proposal meeting, all proposers will receive 15 points.	☐ Yes (15 Points)	☐ No (O Points)
2. Did your firm advertise, not less than 10 calendar days before the due date of the proposal, in one or more daily or weekly newspapers, trade association publications, LBE trade oriented publications, trade journals, or other media, such as: Small Business Exchange, or the Bid and Contracts Section of the Office of Contract Administration's website (http://mission.sfgov.org/OCABidPublication/)? If so, **please enclose a copy of the advertisement**. *The advertisement must provide LBEs with adequate information about the project.* If the City gave public notice of the project less than 15 calendar days prior to the proposal due date, no advertisement is required, and all proposers will receive 10 points.	☐ Yes (10 points)	☐ No (O Points)

3. Did your firm identify and select work types (as categorized in CMD's LBE Directory) to meet the LBE subcontractor participation requirement? If so, please identify the work types below: _____ _____ _____ _____ _____ _____ _____ _____ _____	☐ Yes (10 points)	☐ No (O Points)
4. Did your firm contact LBE firms (LBE firms include MBEs, WBEs and OBEs) for the identified work types (see #3 above), not less than 10 calendar days prior to the due date of the proposal? If so, **please include documentation (i.e. phone logs, emails, faxes, etc.) to verify that contacts were made.** The purpose of contacting LBE firms is to provide notice of interest in proposing for this project. A proposer who contacts those LBE firms certified in the identified work types, not less than 10 calendar days prior to due date of the proposal, will receive up to 45 points. If a proposer does not comply with paragraphs a. & b. below, one point will be deducted for each LBE firm within each identified work type that is not contacted. a. If there are less than 25 firms within an identified work type, a proposer should contact all of them. b. If there are 25 or more firms within an identified work type, a proposer should notify at least 25 firms within such identified work type. If a proposer does not contact any LBE firms, the proposer will receive no points. When contacting LBEs, you should provide adequate information about the project. If the City gave public notice of the project less than 15 calendar days prior to the proposal due date, the allocation of points above still applies, except that the proposer may contact those LBE firms certified in the identified work types less than 10 calendar days prior to the due date of the proposal.	☐ Yes (Up to 45 points)	☐ No (O Points)
5. Did your firm follow-up and negotiate in good faith with interested LBEs? If so, **please include documentation (i.e. phone logs, emails, faxes, etc.) to verify that follow-up contacts were made**. If applicable, your follow-up contact with interested LBEs should provide information on the City's bonding and financial assistance programs. For each interested LBE firm that the proposer does not follow-up with, a point will be deducted. A proposer who does not perform any follow-up contact with interested LBEs will receive no points. *"Interested LBE" shall mean an LBE firm that expresses interest in being a subcontractor to the proposer.	☐ Yes (Up to 20 points)	☐ No (O Points)

6. A proposer shall submit the following documentation with this form:
   (1) Copies of all written proposals submitted, including those from non-LBEs;
   (2) If oral proposals were received, a list of all such proposals, including those from non-LBEs. The work type and dollar amounts for each such proposal must be specified; and
   (3) A full and complete statement of the reasons for selection of the subcontractors for each work type. If the reason is based on relative qualifications, the statement must address the particular qualification at issue.

SECTION C

If a Small or Micro-LBE prime proposer checks "YES" in Section A, above, and is relying on self-performed Contract Work to meet the 35% good faith efforts outreach exception, such Small or Micro-LBE prime proposer should indicate the total value of Contract Work that proposer will perform with its own forces in the space below:

____% of work

SECTION D

Contract Name: _____

Contract No.: _____

Signature of Owner/Authorized Representative: _____

Owner/Authorized Representative (Print): _____

Name of Firm (Print): _____

Title and Position: _____

Address, City, ZIP: _____

E-mail: _____

Date: _____

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 Contract Monitoring Division shall be payable to the City and County of San Francisco 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 5: CMD EMPLOYMENT FORM

This form is to be submitted with the proposal.

1. Indicate key personnel designated to work on this project for the entire project team (prime proposer, joint venture partners, subcontractors, and vendors).

   The employees listed should include all those listed in other sections of the proposal.

NAME OF FIRM	NAME OF EMPLOYEE	PROJECT ROLE	RACE	SEX

Sign below including each joint venture partner.

Owner/Authorized Representative (Signature)	**Owner/Authorized Representative (Signature)**
Name and Title (Print)	**Name and Title (Print)**
Firm Name	**Firm Name**
Telephone **Date**	**Telephone** **Date**

FORM 7: CMD PROGRESS PAYMENT FORM

To be submitted electronically using the LBEUTS. FOR INFORMATION VISIT HTTP://WWW.SFGOV.ORG/LBEUTS.

TRANSMITTAL

TO: Project Manager/Designee **COPY TO:** CMD Contract Compliance Officer

Firm: _____ **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 as opposed to individual task orders. 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 Amount:	**$**
2. Amount of Amendments and Modifications to Date:	**$**
3. Total Contract to Date including Amendments and Modifications (Line 1 + Line 2):	**$**
4. Sub-total Amount Invoiced this submittal period: Professional Fees	**$**
5. Sub-total Amount Invoiced this submittal period: Reimbursable Expenses	**$**
6. Gross Amount Invoiced this submittal period (Line 4 + Line 5):	**$**
7. All Previous Gross Amounts Invoiced:	**$**
8. Total Gross Amounts of Progress Payments Invoiced to Date (Line 6 + Line 7):	**$**
9. Percent Completed (Line 8÷ Line 3):	**%**

Consultant, including each joint venture partner, must sign this form.

Owner/Authorized Representative (Signature)	**Owner/Authorized Representative (Signature)**
Name (Print)	**Name (Print)**
Title (Print)	**Title (Print)**
Firm Name	**Firm Name**
Telephone **Fax**	**Telephone** **Fax**
Date	**Date**

SECTION 2. For column "A", list the Prime Consultant, each joint venture partner and ALL subconsultants and vendors including 2nd and 3rd tier subconsultants. Make copies if more space is needed. Prime Consultant must retain copies of all the prime and subconsultant invoices supporting the information tabulated for this progress payment. CMD reserves the right to request and review this information up to five (5) years following project completion and, upon request, Prime Consultant shall submit the requested information to CMD within 10 business days.

Notes: 1) ALL firms must be CONTINUOUSLY listed on column "A" regardless if a firm is not requesting payment and

2) Failure to submit all required information may lead to partial withholding of progress or final payment.

Identify LBE Participation Requirement of this contract: %

A	B	C	D	E	F	G	H
Name of Firm. List prime contractor and all subcontractors including lower tier LBEs. Indicate if the firm is an LBE.	**Service Performed**	**Amount of Contract or Purchase Order at Time of Award**	**Amount of Modifications to Date**	**Total Amount of Contract or Purchase Order to Date +/– Modifications (C + D) or (C–D)**	**Amount Invoiced this Reporting Period**	**Amount Invoiced to Date, including Amount Invoiced this Reporting Period (F).**	**Percent Complete to Date (G÷E)**
							%
							%
							%
							%
							%
							%
							%
LBE Sub-Totals							%
Professional Fees							
Reimbursable Expenses							%
CONTRACT TOTALS							%

FORM 9: CMD PAYMENT AFFIDAVIT

To be submitted electronically using the LBEUTS. FOR INFORMATION VISIT HTTP://WWW.SFGOV.ORG/LBEUTS.

TO: Project Manager/Designee **COPY TO:** CMD Contract Compliance Officer

Firm: **Date:**

List the following information for each progress payment received from the Contract Awarding Authority. Use additional sheets to include complete payment information for all subcontractors and vendors (including lower tiers utilized on this Contract. Failure to submit all required information may lead to partial withholding of progress 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/Vendor Name	Business Address	Amount Paid	Payment Date	Check Number
		$		
		$		
		$		
		$		
		$		
		$		

I/We declare, under penalty of perjury under the laws of the State of California that the above information is complete, that the tabulated amounts paid to date are accurate and correct.

Prime consultant, including each joint venture partner, must sign this form (use additional sheets if necessary)

Owner/Authorized Representative (Signature)	**Owner/Authorized Representative (Signature)**
Name (Print) **Title**	**Name (Print)** **Title**
Firm Name	**Firm Name**
Telephone **Date**	**Telephone** **Date**

FORM 8: CMD EXIT REPORT AND AFFIVADIT

Prime Consultant must complete and sign this form (Sections 1 and 4) for each LBE subcontractor (incl. lower tier LBEs). **All** LBEs must complete and sign Sections 2 and 3 of this form. These forms should be submitted to the Contract Awarding Authority with the final progress payment request.

TO: Project Manager/Designee **COPY:** CMD Contract Compliance Officer

FROM (Consultant)**:** _____ **Date Transmitted:** _____

SECTION 1. Please check this box if there are no LBE subcontractors 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 Owing including all Change Orders, Amendments and Modifications $ _____

Explanation by Consultant 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:** **$** _____

SECTION 3. To be signed by the LBE Subcontractor and or vendor:

☐ **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 Prime. 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 Prime 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 Prime must enclose verification of delivery of this form to the subcontractor.

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

Consultant must submit this form with the required supporting documentation and obtain prior CMD approval when processing amendments, modifications or change orders that cumulatively increase the original contract amount by more than 20%, and then for all subsequent amendments, modifications or change orders that cumulatively increase the last CMD approved value by 20%. This form must be completed prior to the approval of such amendments, modifications or change orders.

Name of Project/Contract Title: _____

Original Contract Amount: _____

Contract Amount as Modified to Date: _____

Amount of Current Modification Request: _____

REQUIRED ATTACHMENTS:

1. Revised Form 2A reflecting 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 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)	**Owner/Authorized Representative (Signature)**
Name (Print) **Title**	**Name (Print)** **Title**
Firm Name	**Firm Name**
Telephone **Date**	**Telephone** **Date**