

# CITY & COUNTY OF SAN FRANCISCO CONTRACT MONITORING DIVISION



## CMD ATTACHMENT 7

### *Requirements for Design-Build and Construction Manager/General Contractor Contracts*

For contracts \$300,000 and over

For Contracts Advertised on or after August 1, 2016

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#### 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 rating discount, referred to in this Attachment as a "rating bonus," 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: For all City Departments, in this CMD Attachment 7, the term "LBE" refers to only San Francisco ("SF") CMD Certified LBEs and NPEs and, therefore, does not include PUC LBEs. However, PUC LBEs may be used if a project is designated as a SFPUC Regional Project and falls under one of the following three criteria:**

1. It is a PUC Regional Project that is to be performed outside of the jurisdictional boundaries of San Francisco that is identified as regional project and included in the formally approved Capital Improvement Program of the SFPUC's approximately \$4.6 billion project to seismically reinforce and otherwise enhance the Hetch Hetchy water supply system, also known as the Water System Improvement Program ("WSIP"), as it may be amended from time to time.
2. It is a PUC Regional Project that will be performed exclusively 70 miles or more beyond the jurisdictional boundaries of San Francisco
3. It is a PUC Regional Project that will be exclusively outside the jurisdictional boundaries of San Francisco for which some or all of the cost will be shared by members of BAWSCA.

Note: Pursuant to Section 14B.5(D), for PUC Regional Projects that will be performed exclusively 70 miles or more beyond the jurisdictional boundaries of San Francisco and, for which no cost will be shared by members of BAWSCA, Contract Awarding Authorities shall only apply bid discounts/rating bonuses to Bids/Proposals from PUC-LBEs for the purpose of determining the apparent highest ranked proposal or the apparent lowest Bid, where application of the bid discount/rating bonus will not adversely impact the ranking for negotiation or award process of a Bid/Proposal submitted by any Micro-LBE, Small-LBE, or SBA-LBE certified under Section 14B.3. For Water System Improvement Program projects, and projects outside of the jurisdictional boundaries of San Francisco where all or some cost is shared by members of BAWSCA, PUC-LBEs shall have the same status as 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. Failure to complete or submit any of the pre-award forms (Form 2A, 2B, 3, and 5) or information as instructed under this Attachment may cause the bidder/proposer to be deemed non-responsive and/or ineligible for contract award. Bidders/proposers/contractors are responsible for reviewing and complying with the specific instructions and requirements on each CMD form.

### **B. DESIGN BUILD PROJECTS**

Under Chapter 14B.19(A), CMD shall set two separate LBE participation requirements for the design and construction portions of the project:

1. The LBE participation requirement for the design portion of the work can be met with the cumulative participation by Small and Micro-LBE design, engineering and/or professional services consultants (collectively "subconsultants"). SBA LBEs cannot be used for LBE subconsultant participation credit unless otherwise authorized in the project-specific bid documents or request for proposals. For the design portion of the project, the Design-Builder shall comply with CMD Attachment 2 or CMD Attachment 6A requirements.
2. The LBE subcontracting participation requirement for the construction portion of a Design Build project can be met by the cumulative participation by Small and Micro-LBEs. SBA LBEs cannot be used for LBE subcontractor participation credit unless otherwise authorized in the project-specific bid documents or request for proposals. During the Construction Services phase, the Design-Builder will select trade subcontractors. Before the trade package bidding process, the Design-Builder will develop a LBE participation plan which will include the LBE subcontracting participation requirements for each trade package so that the Design-Builder can meet the Construction LBE subcontracting participation requirement set by CMD for the project. Upon receipt of bids from trade package bidders, CMD will evaluate whether or not the trade package low bidder has met the stated LBE participation requirement. It is the Design-Builder's responsibility to meet the Construction LBE participation requirement and failure to do so may subject the Design-Builder to fines pursuant to Chapter 14B. Should a Department require the Design-Builder to come in with the entire construction team at one point in time, the Design-Builder shall comply with CMD Attachment 1 requirements. However, if the Department requires the Design-Builder to put out various trade packages at different points in time, the Design-Builder shall comply with CMD Attachment 7 requirements.

### **C. CONSTRUCTION MANAGER/GENERAL CONTRACTOR (CM/GC) PROJECTS**

The LBE participation requirement for CM/GC projects can be met by the cumulative participation by Small and Micro-LBEs. 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-LBEs 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. Before the trade package bidding process, the CM/GC will develop a LBE participation plan which will include the LBE requirements for each trade package so that the CM/GC can meet the overall LBE participation requirement set by CMD for the project. Upon receipt of bids from trade package bidders, CMD will evaluate whether or not the trade package low bidder has met the established LBE participation requirement. It is the CM/GC's responsibility to meet the overall project LBE participation requirement and failure to do so may subject CM/GC to fines pursuant to Chapter 14B.



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

**1. Submittal requirements for CM/GC:**

- a. **Form 2A: CMD Contract Participation Form.** All CM/GC proposers must complete and submit Form 2A with their proposals.

The CM/GC will use Small and/or Micro-LBEs during the Pre-Construction Services Phase of the project to meet part of the overall LBE participation requirement for the project. The proposer must identify the certified Small and Micro-LBEs that will be used to perform Pre-Construction Services on Form 2A and provide the requested information for each firm. The CM/GC proposer must utilize the listed Small and Micro-LBEs participation for the Pre-Construction Services phase at the amount(s) indicated on Form 2A. The remaining balance of the overall LBE participation requirement for the project will apply to the Construction Services phase. All Small and Micro-LBEs identified for the Pre-Construction Services phase must be certified with the CMD by the proposal due date, and must be contacted by proposer prior to listing them as subs in the proposal. All LBEs must be CMD certified in the scope of work that the LBE is listed to perform in order to receive LBE participation credit. CM/GC proposers are responsible for verifying the listed LBE status prior to submitting a bid or proposal. A firm that has a LBE 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 the LBE participation requirement even if the firm is later certified or ultimately prevails in its appeal.

The CM/GC proposer will be required to sign and submit a LBE participation requirement commitment letter. If awarded the contract, the CM/GC must achieve the full LBE participation requirement during the course of the project. Failure to do so may subject the CM/GC to sanctions under Chapter 14B.

- b. Good Faith Outreach Requirement:

The Prime Contractor shall undertake the good faith outreach for each trade package as required in Chapter 14B Rules and Regulations, Section XIV.C.

- c. **Form 3: CMD Compliance Affidavit:** CM/GC Proposer must sign under penalty of perjury.

**2. Submittal requirements for Design Build and CM/GC projects with trade packages.**

**NOTE: the following rules and procedures are only applicable for Design-Build and CM/GC projects that require the Prime to put out trade packages:**

- a. **Form 2A/TP/NP: CMD Contract Participation Form/Trade Package:** The Design-Builder and/or 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-LBEs, including their respective subcontract dollar amounts and portion of work to be performed, that the trade package bidder wishes to use toward the LBE participation requirement set for that trade package.

All Small and Micro LBEs listed 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 in the bid. Trade package bidders are responsible for verifying the LBE status prior to submitting a bid. A firm 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 participation requirement 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 CMD Form 2A/TP/NP with its bid, but fails to meet the stated LBE trade package participation requirement ("shortfall"), the bidder shall be allowed to make up the shortfall within two weeks of bid opening. Failure by the bidder to achieve the LBE trade package requirement within the two week period, or time extension 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 trade package participation, the trade package bidder must submit an amended CMD Form 2A/TP/NP during the two week period or the Grace Period granted by the Director that demonstrates that the bidder has achieved the stated LBE trade package participation requirement **with no adjustment to its total bid price for the trade package**, by using one or more of the following procedures:

- **New LBE:** Trade package bidder may submit an amended CMD Form 2A/TP/NP to add one or more Small or Micro LBEs 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:** Trade package bidder may submit an amended CMD Form 2A/TP/NP to increase the subcontract value for one or more Small or Micro LBEs listed on bidder's original CMD Form 2A/TP/NP.

If a trade package bidder makes up a shortfall in LBE subcontractor participation during the two week period or the Grace Period granted by the Director by complying with the authorized procedures set forth above, then its bid will be determined responsive as to the LBE trade package participation requirement. Alternatively, if a trade package bidder fails to achieve the LBE trade package participation requirement during the two week period or the Grace Period granted by the Director 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 DESIGN-BUILDER AND/OR CM/GC will evaluate the second low bidder for potential contract award, and so on.

**\*Note: After utilizing the authorized procedures set forth above, trade package bidder may not substitute a listed LBE(s) on bidder's revised CMD Form 2A/TP/NP. Any addition/substitution of LBE(s) must have CMD's prior approval.**

- b. **Form 2A/TP/NP ALT: CMD Contract Participation Form/Trade Package Alternates (if and as applicable):** The DESIGN-BUILDER AND/OR CM/GC will require each trade package bidder to complete and submit Form 2A/TP/NP ALT in order for the trade package bidder to receive credit for LBE participation on alternates (if applicable). Compliance with the LBE trade package participation requirement for the trade package will be determined on the amount of the base bid. However, LBE trade package participation on selected alternates may be credited toward the goal where the



LBE trade package participation requirement is not met on the base bid. LBEs that are listed on the base bid (Form 2A/TP/NP) should be listed again on Form 2A/TP/NP ALT for each alternate on which they will be utilized. Failure to list an LBE on Form 2A/TP/NP ALT may result in the LBE's participation not being counted toward the LBE trade package participation requirement, even if the alternate is selected.

- c. **Form 6/TP/NP: CMD LBE Participation Affidavit/Trade Package/Negotiated Package:** The DESIGN-BUILDER AND/OR CM/GC will require the apparent low trade package bidder to submit completed copies of Form 6/TP and bid quotations must be submitted from all LBEs listed to meet the LBE trade package participation requirement for the trade package, regardless of subcontracting tier. Subcontractors are required to sign this form under penalty of perjury.
- d. **Form 6A/TP/NP: CMD LBE Trucking Form/Trade Package/Negotiated Package:** The DESIGN-BUILDER AND/OR CM/GC will require the apparent low trade package bidder to submit Form 6A/TP/NP if small/micro LBE truckers are being used to meet the LBE trade package participation requirement for the trade package. Only CMD certified LBE truckers can be utilized to meet the LBE trade package participation requirement.

**3. Forms for negotiated trade package subcontracts (if applicable):**

For trade package subcontracts negotiated by DESIGN-BUILDER AND/OR CM/GC as authorized by Section 6.61(c)(5)(D) or Section 6.68(C)(3) of the Administrative Code and the project Contract (if any), the DESIGN-BUILDER AND/OR 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 CMD for its approval prior to awarding the negotiated subcontract(s).

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

Failure to complete or submit any post award forms (i.e. Forms 7, 9 and 8) may be cause for post-award sanctions under Chapter 14B.

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 (Forms 7s and 9s) 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.
- b. **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. 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 are 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 subconsultant/subcontractor, supplier, and service provider (including lower-tier) utilized to satisfy the LBE subcontracting participation requirement..
- d. **Form 10: CMD Contract Modification Form:** This form shall be completed by the DESIGN-BUILDER AND/OR 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 amendments, modifications or supplemental change orders that cumulatively increase the last CMD approved value by 20%.

### 1.03 "GOOD FAITH OUTREACH" REQUIREMENTS

The Prime Contractor shall undertake the good faith outreach for each trade package as required in Chapter 14B Rules and Regulations, Section XIV.C. The DESIGN-BUILDER AND/OR 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 contract payments;
    - 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 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 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. LBE RATING BONUS**

### **2.01 APPLICATION**

- A. **Application of rating bonus:** The 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 Rating bonus:** Certified Small or Micro-LBEs, including certified non-profit organizations, are eligible for an LBE rating bonus if the LBE is CMD certified in the type of work that is specified for the prime proposer by the Contract Awarding Authority. Under certain circumstances, SBA LBEs are eligible for an LBE rating bonus. 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 even if the firm is later certified or ultimately prevails in its appeal.
- C. Application of the rating bonus shall be as follows:
  1. **Contracts with an Estimated Cost in Excess of \$10,000 and Less Than or Equal To \$400,000.** A 10% rating bonus 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.



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

D. Rating Bonus not applicable. Rating bonus does not apply to subcontractor trade packages. The rating bonus for LBEs does not apply for DESIGN-BUILD AND/OR CM/GC contracts estimated by the Contract Awarding Authority to exceed \$20 million. The LBE JV rating bonuses do not apply to DESIGN-BUILD AND CM/GC contracts.

### **PART III. LBE PARTICIPATION**

#### **3.01 LBE PARTICIPATION REQUIREMENT**

**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 SUBS TO COUNT TOWARDS THE LBE PARTICIPATION GOAL**

- A. The DESIGN-BUILDER AND/OR CM/GC must perform good faith outreach efforts for trade packages. After all trade packages have been awarded for the project, the DESIGN-BUILDER must meet the LBE participation requirement for the construction phase; similarly, the CM/GC must meet the project-wide LBE participation requirement. DESIGN-BUILDER and/or CM/GCs failure to achieve their respective LBE participation requirements shall subject DESIGN-BUILDER AND/OR CM/GC to sanctions as described in Section 14B.17 of the Administrative Code.

If the Contract authorizes the DESIGN-BUILDER AND/OR CM/GC to negotiate subcontracts for trade work up to an amount not to exceed 7.5% of the total estimated contract costs as authorized under Administrative Code Section 6.61(c)(5)(D) or Section 6.68(C) **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 requirement, then the DESIGN-BUILDER AND/OR CM/GC shall negotiate and award trade packages to LBEs using the up to 7.5% of total trade package costs available to it for negotiating subcontracts.

- B. **Calculation of LBE participation.** The CMD will calculate the participation of an LBE toward meeting the specified requirement as follows:

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

1. All DESIGN-BUILDERS AND/OR CM/GCS, including LBE DESIGN-BUILDERS AND/OR CM/GCS, must meet the LBE participation requirement. An LBE DESIGN-BUILDER AND/OR CM/GC cannot count its own work towards meeting the LBE participation requirement.





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 participation credit if its lists such other firm(s) to meet the LBE participation requirement. 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 participation requirement, a listed LBE must be CMD certified in the scopes of work/trade(s) listed on the bid.
  - a. An LBE 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 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 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 (e.g., construction subcontractor, design subconsultant, cost estimator, manufacturer, supplier, broker, or trucker).
  - c. An LBE 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 will be credited toward meeting the LBE participation goal.
  - *Example:* Bidder/proposer/trade package bidder lists an LBE for \$1,000,000, but the LBE will perform \$510,000 of that amount. The remaining \$490,000 will be further subcontracted out to a lower-tier non-LBE. Only \$510,000 will be credited toward the LBE participation requirement.
5. All work performed by lower-tier LBEs will be credited toward meeting the LBE participation requirement provided that the lower-tier LBE 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 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. Only \$200,000 will be credited toward the LBE participation requirement, provided that the lower-tier LBE 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 Packages/Negotiated Packages



6. The CMD will calculate compliance with the LBE participation requirement 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 trade package participation requirement through its base bid, the CMD will credit listed LBE participation for selected alternates, if any, toward the LBE trade package participation requirement. To receive LBE trade package participation credit for selected alternates, a trade package bidder must separately list LBEs that it will use for alternate work on CMD Form 2A/TP/NP ALT (for alternates only) and submit the completed form with its bid. If a trade package bidder lists an LBE on CMD Form 2A/TP/NP and intends to use that LBE for alternate work, the trade package bidder must separately list the LBE on Form 2A/TP/NP ALT for each alternate on which the LBE will be used.
7. If a trade package bidder lists LBE 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 trade package participation credit for the listed LBE(s).
8. A trade package bidder shall not use deletable bid items, allowances or contingency/conditional bid items to fulfill the LBE trade package participation requirement.

LBE Construction Subcontractors – Applicable to Construction Services/Trade Packages/Negotiated Packages

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 participation requirement 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 participation 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 participation 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 Packages/Negotiated Packages

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 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 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 Packages/Negotiated Packages

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 participation 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 participation 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 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 participation requirement. No LBE participation 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 participation 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 participation requirement. To receive LBE participation 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 Packages/Negotiated Packages

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 participation requirement. 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 participation 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 participation requirement, regardless of who installs the item. To receive LBE participation 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 participation requirement. 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 participation 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 participation requirement, provided that installation by the construction subcontractor reflects normal industry practice. To receive LBE participation 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 participation credit for any labor associated with the installation of a Specially Manufactured Item (regardless of the source of supply), provided the installation is performed by a CMD-certified construction subcontractor in accordance with normal industry practice. To receive LBE participation 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/Negotiated Packages

17. CMD will count 100% credit toward the LBE participation requirement 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 participation requirement when an LBE-owned trailer is pulled by a non-LBE owned cab. CMD will count 60% credit toward the LBE participation requirement when a non-LBE owned trailer is pulled by a LBE owned cab. CMD will count 0% credit toward the LBE participation requirement when a non-LBE-owned trailer is pulled by a non-LBE owned cab. To receive LBE participation 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 participation 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 LBE participation credit for vehicles or equipment purchased or leased after the time of bid on a case by case basis.

Construction Equipment– Applicable to Construction Services/Trade Package Bids/Negotiated Packages



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 participation 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 415-581-2310 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 LBE participation 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 participation requirement.

- 3.02 Substitution, removal, or contract modification of LBE subcontract:** 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 listed on an originally-submitted CMD Form 2A/TP/NP when applying the two week period or the Grace Period granted by the Director described in that Subsection.] Contractor must conduct good faith efforts to replace an LBE with another LBE to comply with the LBE participation requirements. In addition, any proposed new firms must have CMD's prior approval.



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

**Section 1:** Proposer must submit this Form with its bid/proposal or the bid/proposal may be deemed non-responsive and rejected. Prime 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 participation requirement unless the request for proposals authorize the use of SBA LBEs to meet the LBE participation requirement. A Small and/or Micro LBE Prime proposer must meet the LBE participation requirement. A Small and/or Micro LBE Prime proposer may not count its participation towards meeting the LBE participation requirement. Be sure to check the applicable box for Rating Bonus. If more space is needed, attach additional copies of this form.

<b>Contract:</b>	<b>RATING BONUS</b>	
	<input type="checkbox"/> Micro- or Small-LBE 10%	<input type="checkbox"/> No Ratings Bonus Requested
	<input type="checkbox"/> SBA-LBE 5%	<input type="checkbox"/>
	<input type="checkbox"/> Micro, Small, or SBA-LBE 2% (Contracts with an Estimated Cost in Excess of \$10,000,000 and Less Than or Equal to \$20,000,000.)	
	<input type="checkbox"/>	<input type="checkbox"/>
<b>Firm:</b>		
<b>Contact Person:</b>	<b>LBE Goal      %</b>	
<b>Address:</b>		
<b>City/ZIP</b>		
<b>Phone</b>		

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 (CARRY-OVER FROM % OF WORK COLUMN)
			%			%
			%			%
			%			%
			%			%
			<b>100%</b>	<b>TOTAL LBE Participation %</b>		<b>%</b>

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.

<b>Owner/Authorized Representative Signature</b>		<b>Date:</b>	
<b>Print Name and Title</b>			

\* 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 at <http://www.sfgov.org/cmd> for each firm's status.



**Section 2. Prime 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:	_____
SERVICE:	_____	FAX:	_____

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

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

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

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

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



**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 subs 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 requirement, the bidder shall be allowed to make up the requirement 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 requirement 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 sub (regardless of dollar amount of subcontract) for whom bidder seeks credit toward the LBE participation requirement set for the trade package. At a minimum, bidder must provide the following information with its bid for each LBE: (i) type of firm [Box 1]; (ii) firm 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 trade package participation requirement and, therefore, may result in a determination that the bid is non-responsive. A bidder must satisfy the LBE trade package participation requirement 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 participation requirement. A Small or Micro-LBE trade package bidder may count its own participation toward meeting the LBE trade package participation requirement 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.



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 trade package participation requirement for a trade package is determined on the amount of the base bid. However, LBE trade package participation listed on this Form for selected alternates may be credited towards the LBE trade package participation requirement. Bidders must satisfy the LBE trade package participation requirement 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 trade package participation requirement.

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 PARTICIPATION AFFIDAVIT/TRADE PACKAGE**

This affidavit is to be completed by each LBE sub (including lower tier subs) and submitted to the apparent low trade package bidder. The apparent trade package low bidder shall submit the completed affidavits and copies of the sub's bid quotations to the DESIGN-BUILDER AND/OR CM/GC no later than 5:00 p.m. on the fifth business day following the trade package bid opening. LBE Firms 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 DESIGN-BUILDER AND/OR 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.*

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



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

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

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

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

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**

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

To be entered online by the Design-Builder, 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 (*Line 1 + Line 2*): \$ \_\_\_\_\_
- 4. Gross Amount Invoiced this submittal period: \$ \_\_\_\_\_
- 5. All Previous Gross Amounts Invoiced: \$ \_\_\_\_\_
- 6. Total Gross Amounts of Progress Payments Invoiced to Date (*Line 4 + Line 5*): \$ \_\_\_\_\_
- 7. Percent Complete (*Line 6 ÷ Line 3*): \_\_\_\_\_ %

**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 Design-Builder, CM/GC, trade package bidder or negotiated trade package bidder (whichever is applicable), each joint venture partner and ALL subcontractors and suppliers including 2<sup>nd</sup> and 3<sup>rd</sup> tier subcontractors. Make copies if more space is needed. DESIGN-BUILDER AND/OR CM/GC must retain copies of all the DESIGN-BUILDER AND/OR 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 five (5) 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							%
<b>CONTRACT TOTALS</b>							%



**FORM 9: CMD PAYMENT AFFIDAVIT**

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

To be entered online by Design-Builder, 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 \_\_\_\_\_ **COPY:** CMD Contract Compliance Officer \_\_\_\_\_  
**FROM (Contractor):** \_\_\_\_\_ **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 LBE 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, the Design-Builder, 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 Owing 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)



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**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 Design-Builder, 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 Design-Builder, 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.

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Owner/Authorized Representative (Signature)

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Name and Title (Print)

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Firm Name

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Telephone

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Date

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**SECTION 4.**

If this form is submitted without the LBE's signature, the Design-Builder, 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.

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Owner/Authorized Representative (Signature)

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Name and Title (Print)

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Firm Name

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Telephone

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Date



**FORM 10: CMD CONTRACT MODIFICATION FORM**

For the master contract, each trade package and each negotiated trade package the Design-Builder, CM/GC, trade package bidder or negotiated trade package bidder (whichever is applicable) 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 not-to-exceed 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 Not-To-Exceed Amount: \_\_\_\_\_

Contract Not-To-Exceed Amount as Modified to Date: \_\_\_\_\_

Amount of Current Modification Request: \_\_\_\_\_

**REQUIRED ATTACHMENTS:**

1. A list 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 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