

# CITY & COUNTY OF SAN FRANCISCO CONTRACT MONITORING DIVISION



## CMD ATTACHMENT 6

### *Requirements for SFPUC Regional Construction Contracts*

For Contracts equal or greater than 50% of the Threshold Amount  
and that are Advertised on or after July 1, 2022

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#### PART I. GENERAL

##### 1.01 SAN FRANCISCO ADMINISTRATIVE CODE CHAPTERS 12B AND 14B

- A. To be eligible for this contract award, Bidders 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 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 bid discounts 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 6, the term “LBE” refers to both CMD certified LBEs and PUC-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*



D. PUC-LBE Certification

Pursuant to Chapter 14B, only established small public works/construction, construction material supplies, construction equipment rental, trucking, and professional services firms including architecture or engineering firms may be certified as PUC-LBEs. Only firms located within the PUC water system service area may be certified as PUC-LBEs.

E. SFPUC Regional Projects

In addition to CMD Certified San Francisco (“SF”) Micro-LBEs/NPEs, PUC-LBEs are also eligible to bid on these Contracts provided the project falls under one of the following funding source requirements:

- 1) It is a PUC Regional Project that is to be performed outside of the jurisdictional boundaries of San Francisco and is 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 exclusively outside the jurisdictional boundaries of San Francisco for which some or all of the cost will be shared by members of BAWSCA.
- 3) It is a PUC Regional Project that will be performed exclusively 70 miles or more beyond the jurisdictional boundaries of San Francisco.

**IMPORTANT NOTICE: As a point of clarification, the SBA-LBE classification applies only to SF LBEs. There are no CMD certified PUC-SBA-LBEs.**

**1.02 SUBMISSION OF CMD FORMS – PRE-AWARD**

- A. Failure to complete or submit any of the forms may cause the Bidder to be deemed non-responsive and ineligible for contract award. For negotiated contracts: The schedule for the submission of forms will be established by the CMD in conjunction with the Contract Awarding Authority on a contract-by-contract basis. Please see Part III for more information regarding LBE sub participation.
1. **SECTION 00 43 36 or Equivalent Form:** In addition to meeting the requirements of the "Subletting and Subcontracting Fair Practices Act," Bidder shall list on Section 00 43 36 or equivalent City provided form **ALL** LBE subcontractors, suppliers, and service contractors (such as truckers), including their respective subcontract dollar amounts and portion of work to be performed, that it will utilize toward the Contract’s LBE sub participation requirement(s). Failure to include this information may make it impossible for the City to determine whether or not Bidder has met the LBE sub participation requirement(s), and the Bid may be deemed non-responsive.
  2. **SECTION 00 43 37 or Equivalent Form:** If applicable, for alternate bid items/work, Bidder must complete and submit Section 00 43 37 or equivalent City provided form with its Bid. Compliance with the LBE sub participation requirement(s) is determined on the amount of the base bid. LBEs that are listed on the base bid should be listed again on Section 00 43 37 or equivalent City provided form for each alternate on which they will be utilized. Bidders entering “To Be Determined” (“TBD”) instead of a specific dollar amount/percentage on Section 00 43 36 or Section 00 43 37 or equivalent City provided form may lead to a non-responsive Bid.
  3. LBE Bidders and LBE subcontractors must be certified as LBEs on the bid due date to qualify for the bid discount or to qualify to meet the LBE sub participation requirement(s).
  4. The bid specifications will state which LBE size category (e.g., Micro, Small, and/or SBA-LBE) can be used to meet the LBE sub participation requirement(s).
  5. Any Bidder or subcontractor who is in the process of appealing the Director’s denial of certification or revocation of certification shall not be considered an LBE.



B. Submit the following CMD forms with the Bid:

**FORM 2B: CMD “Good Faith Efforts” Requirements Form:** This form must be submitted for every solicitation that requires LBE sub participation. Bidder shall meet the specified LBE sub participation requirement(s) and shall complete and submit Form 2B in accordance with Form 2B instructions. Failure to meet the LBE sub participation requirement(s) AND demonstrate/document adequate good faith efforts shall cause the Bid to be determined non-responsive and rejected. Please see Part IV for further information. Bidders are required to sign this form under penalty of perjury.

C. The apparent low Bidder must submit the following documentation and forms by 5:00 p.m. on the fifth business day following Bid opening. No extensions of time to submit the documentation are permitted unless approved by CMD. If the CMD determines that the Bidder is not acting in good faith in the timely and accurate submission of these forms, the Bid may be determined non-responsive and rejected.

1. **FORM 3: CMD Compliance Affidavit:** Must be signed by the Bidder under penalty of perjury.
2. **FORM 6: CMD LBE Subcontractor Participation Affidavit:** Completed copies of Form 6 and subcontractors’ bid quotations must be submitted from all LBE subcontractors, suppliers and truckers listed to meet the LBE sub participation requirement(s), regardless of whether the participation is as a first-tier, or lower-tier subcontractor, supplier or trucker. Subcontractors are required to sign this form under penalty of perjury.
3. **FORM 6A: CMD LBE Trucking Form:** Bidder shall submit Form 6A if truckers are being used to meet the LBE sub participation requirement(s). Only CMD certified LBE truckers can be utilized to meet the LBE sub participation requirement(s).

**1.03 CMD LBE CONTRACT PERFORMANCE FORMS—POST AWARD**

A. **LBE Utilization Tracking**

1. **FORM 7: CMD Progress Payment Form:** The Bidder awarded the Contract shall submit online using the Contract Awarding Authority’s City approved system with each payment request. Failure to upload this information with each payment request may delay progress payment processing. Upon request from CMD, the Contractor must provide copies of certified payrolls for itself and all subcontractors. For any Other Direct Costs (“ODC”) or direct reimbursable expenses/items, CMD will review and determine whether it is eligible for LBE sub participation credit.
  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 Contract Awarding Authority’s City approved system with the next progress payment request. Subcontractors are then required to acknowledge payment from Contractor online using the Contract Awarding Authority’s City approved system. 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 under Section 1.03 as specified by the City may result in sanctions under Chapter 14B, including but not limited to, withholding of progress and final payments.



## PART II. BID DISCOUNT

### 2.01 APPLICATION

A. Eligibility for the LBE bid discount: CMD certified Micro, Small, and SBA-LBEs, including certified non-profit organizations, are eligible for an LBE bid discount (as applicable under Section 14B.7 of the Ordinance) if the LBE is CMD certified in the type of work that is specified for the Bidder by the Contract Awarding Authority. A Bidder that has a certification application pending, that has been denied certification, that has had its certification revoked or that is in the process of appealing a CMD denial or revocation at the date and time the Bid is due IS NOT an LBE and IS NOT eligible to receive the bid discount even if the firm is later certified or ultimately prevails in its appeal. Contract Awarding Authorities shall apply these bid discounts to each evaluation stage of the selection process, as applicable.

A Bidder may only claim one bid discount under Section 2.01(B):

- Section 2.01(B) **Standard bid discount**

*Note 1:* The Pilot Neighborhood/Zip Code LBE Program is not applicable to SFPUC Regional Contracts.

*Note 2:* The Mentor Protégé bid discount/rating bonus cannot be combined with any other bid discounts/rating bonuses.

B. Application of the **Standard bid discount** 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% bid discount will apply to any Bids submitted by CMD certified Small or Micro-LBEs. SBA-LBEs are not eligible for a bid discount OR
2. **Contracts with an Estimated Cost in Excess of \$400,000 and Less Than or Equal to \$10,000,000.** A 10% bid discount will apply to any Bids submitted by CMD certified Small or Micro-LBEs. If, after the application of the 10% bid discount to Bids submitted by Small or Micro-LBEs, the apparent low Bidder is not a Small or Micro-LBE, a 5% bid discount will be applied to any Bid from an SBA-LBE in accordance with the procedures and limitations set forth in Section 14B.7(E) of the Ordinance OR
3. **Contracts with an Estimated Cost in Excess of \$10,000,000 and Less Than or Equal to \$20,000,000.** Only the 2% bid discount will apply to any Bid submitted by a Small LBE, Micro LBE and SBA-LBE OR
4. **Contracts with an Estimated Cost in Excess of \$20,000,000.** The bid discount for LBEs does not apply to Contracts estimated by the Contract Awarding Authority to exceed \$20,000,000.
5. Bid discounts are not applicable to Contracts awarded by private non-profit agencies, regardless of whether or not government funding is involved, or whether or not the firms competing for Contracts are for-profit businesses.

*Note:* Pursuant to Section 14B.5, 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.



C. Application of the **Mentor Protégé bid discount**:

A 1% bid discount to Bids from any Bidder who has been deemed by CMD to qualify for the bid discount. The discount shall not exceed \$300,000 and will not be applied if it results in an LBE losing status as the apparent low Bidder or highest ranked Proposer.

**PART III. LBE SUBCONTRACTOR/SUBCONSULTANT PARTICIPATION**

**3.01 LBE SUB PARTICIPATION REQUIREMENT(S)**

A. **General**

All Bidders must meet the LBE sub participation requirement(s) and undertake adequate good faith efforts as set forth in Section 14B.8 of the Ordinance to select subs to meet the LBE sub participation requirement(s). The bid specifications will state which LBE size category (e.g., Micro, Small, and/or SBA-LBE) can be used to meet the LBE sub participation requirement(s). If awarded the Contract, a Bidder's failure to achieve their respective LBE sub participation requirement(s) shall subject the Bidder to sanctions as described in Section 14B.17 of the Ordinance. For a directory of certified LBEs, please go to: <http://www.sfgov.org/cmd>.

Bids that do not meet the LBE sub participation requirement(s) set under Section 14B.8(A) of the Ordinance will be rejected as non-responsive pursuant to Chapter 14B and its accompanying Rules and Regulations.

1. Bidders must identify on **Section 00 43 36** (Subcontractor List) or equivalent City provided form the particular LBE subcontractors to be used in performing the contract work, including first and lower tier subcontractors, suppliers, or service contractors such as truckers, and specify for each the dollar amount of each subcontract and the portion of work to be performed. An LBE subcontractor must be CMD certified in the scope of work/trade(s) that the Bidder is listing the LBE subcontractor to perform in order to receive LBE credit.
2. A Bidder must contact an LBE before listing that LBE as a sub in the Bid. A Bid that fails to comply with this requirement will not receive LBE credit for the referenced LBE. LBEs must be certified with the CMD on the bid due date to receive LBE credit. Additionally, a sub(s) may be listed by more than one Bidder.
3. Bidders are responsible for verifying the LBE status of a subcontractor, supplier, or service contractor prior to submitting a Bid. A subcontractor that has a certification application pending, that has been denied certification, that has had its certification revoked or that is in the process of appealing a CMD denial or revocation at the date and time the Bid is due is not an LBE and cannot be counted as an LBE for purposes of meeting the LBE sub participation requirement(s) even if the firm is later certified or ultimately prevails in its appeal.
4. CMD may require the successful Bidder to submit performance reports (e.g., Form 7, etc.) on actual LBE participation at 30%, 50%, 70%, and 90% completion to the Contracting Awarding Authority and CMD.

B. **Determination and Calculation of LBE Subcontractor/Subconsultant Participation**

General Rules and Commercially Useful Function

1. All LBE Bidders must meet the LBE sub participation requirement(s). Any LBE Bidder (including SBA-LBE Bidder) may not count its participation towards meeting the LBE sub participation requirement(s). If a Bidder owns or controls more than one business that is CMD certified as an LBE, the Bidder will not receive LBE credit if it lists its other firm(s) to meet the LBE sub participation requirement(s) when submitting as a Bidder. In determining ownership of a business, a business owned by Bidder's spouse or domestic partner shall be deemed to be owned by the Bidder.



2. For a Bidder to receive credit toward the LBE sub participation requirement(s), a listed LBE subcontractor must be CMD certified in the scopes of work/trade(s) listed on Section 00 43 36 or equivalent City provided form. The LBE subcontractor shall be listed to perform scope(s) of work, which is described in the bid specifications.
  - a. The LBE subcontractor must be utilized on the Contract to perform a Commercially Useful Function. An LBE subcontractor performs a Commercially Useful Function if it is directly responsible for providing the materials, equipment, supplies, or services to the project as required by the bid and contract documents. To perform a Commercially Useful Function, an LBE subcontractor must be solely responsible for execution of a distinct element of the contract work, and must actually perform, manage and supervise the work involved in accordance with normal industry practice. For example, for any subcontract involving LBE subcontractors providing construction laborers, the LBE subcontractor must be responsible for the labor and supervision for its listed scope of work at the time of bid, if applicable. CMD reserves the right to request and review such information during the course of the contract and, upon request, the Bidder shall submit the requested information to CMD within 10 days.
  - b. To determine whether an LBE subcontractor is performing a Commercially Useful Function, the CMD will evaluate the amount of work subcontracted, industry practices, whether the amount the firm is to be paid under the Contract is commensurate with the work it is actually performing and the LBE credit claimed for its performance of the work, and other relevant factors. What constitutes a Commercially Useful Function will vary depending on the type of LBE subcontractor (e.g., construction subcontractor, manufacturer, supplier, broker, or trucker).
  - c. An LBE subcontractor does not perform a Commercially Useful Function if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of LBE participation. In determining whether an LBE is such an extra participant, the CMD will examine similar transactions and determine whether or not non-LBEs would normally participate in such transactions. No credit will be given for an LBE that services as a pass-through.
3. Only the dollar amount of work to be performed by the LBE subcontractor will be credited toward meeting the LBE sub participation requirement(s).
  - *Example:* Bidder lists an LBE subcontractor for \$1,000,000, but the LBE subcontractor will perform \$510,000 of that amount. The remaining \$490,000 will be further subcontracted out to a lower-tier non-LBE subcontractor. Only \$510,000 will be credited toward the LBE sub participation requirement(s).
4. All work performed by lower-tier LBE subcontractors will be credited toward meeting the LBE sub participation requirement(s) provided that the lower-tier subcontractor was listed on **Section 00 43 36** or equivalent City provided form (or **Section 00 43 37** or equivalent City provided form, if applicable) at the time of bid.
  - *Example:* A non-LBE subcontractor is listed for \$1,000,000 and will perform \$800,000 of that amount. The remaining \$200,000 will be further subcontracted out to a lower-tier LBE subcontractor. Only \$200,000 will be credited toward the LBE sub participation requirement(s), provided that the lower-tier LBE subcontractor was listed on Section 00 43 36 or equivalent City provided form at the time of bid.



Deletable Bid Items, Allowances, Contingency/Conditional & Alternate Bid Items

5. The CMD will calculate compliance with the LBE sub participation requirement(s) based on the total amount of a Bidder's base bid (including non-deletable bid items, deletable bid items, allowances, and all other items that contribute to the base bid amount). In addition, a Bidder must demonstrate good faith efforts to meet the LBE sub participation requirement(s) through LBE participation on the base bid. If a Bidder lists an LBE subcontractor on Section 00 43 36 or equivalent City provided form and intends to use that LBE subcontractor for alternate work, the Bidder must separately list the LBE subcontractor on Section 00 43 37 or equivalent City provided form for each alternate on which the subcontractor will be used.
6. For purposes of determining compliance at the time of bid, a Bidder shall not use deletable bid items, allowances or contingency/conditional bid items to meet the LBE sub participation requirement(s).

LBE Construction Subcontractors

7. 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 sub participation requirement(s) 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 materials and supplies, selecting a supplier or dealer from those available, installing the materials, and paying for the materials and supplies. To receive LBE sub participation credit, the Bidder must list the LBE construction subcontractor on Section 00 43 36 or equivalent City provided form (and Section 00 43 37 or equivalent City provided form, if applicable).
8. Bidders may receive 100% credit for LBE construction subcontractors 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 sub participation credit, the Bidder must list the LBE construction subcontractor on Section 00 43 36 or equivalent City provided form (and Section 00 43 37 or equivalent City provided form, if applicable).

LBE Manufacturers

9. 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 sub participation requirement(s), 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 sub participation credit, the Bidder must list the LBE manufacturer on Section 00 43 36 or equivalent City provided form (and Section 00 43 37 or equivalent City provided form, if applicable).

LBE Suppliers

10. 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 sub participation requirement(s) 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 sub 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 sub participation credit, the Bidder must list the LBE supplier on Section 00 43 36 or equivalent City provided form (and Section 00 43 37 or equivalent City provided form, if applicable).

11. 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 sub participation requirement(s). No LBE sub 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 sub participation credit, the Bidder must list the LBE supplier/broker on Section 00 43 36 or equivalent City provided form (and Section 00 43 37 or equivalent City provided form, if applicable).
12. 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 sub participation requirement(s). To receive LBE sub participation credit, the Bidder must list the LBE equipment rental firm on Section 00 43 36 or equivalent City provided form (and Section 00 43 37 or equivalent City provided form, if applicable).

#### Specially Manufactured Items

13. The Instructions to Bidders or the Technical Specifications may list material, articles, equipment or other manufactured items that the City has designated as Specially Manufactured Items for the purposes of the LBE sub participation requirement(s). A Specially Manufactured Item is an item that is either typically purchased by the Prime Contractor directly from the manufacturer or not supplied by suppliers or construction subcontractors in the usual course of business.
14. If the bid specifications or contract documents expressly identify one or more Specially Manufactured Items, CMD will calculate LBE sub 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 sub participation requirement(s), regardless of who installs the item. To receive LBE sub participation credit, the Bidder must list the LBE manufacturer on Section 00 43 36 or equivalent City provided form (and Section 00 43 37 or equivalent City provided form, 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 sub participation requirement(s). No LBE sub 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 sub participation credit, the Bidder must list the LBE supplier on Section 00 43 36 or equivalent City provided form (and Section 00 43 37 or equivalent City provided form, 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 sub participation requirement(s), provided that installation by the construction subcontractor reflects normal industry practice. To receive LBE sub participation credit, the Bidder must list the LBE construction subcontractor on Section 00 43 36 or equivalent City provided form (and Section 00 43 37 or equivalent City provided form, if applicable).
- D. A Bidder may receive full (100%) LBE sub 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 sub participation credit, the Bidder must list the LBE construction subcontractor on Section 00 43 36 or equivalent City provided form (and Section 00 43 37 or equivalent City provided form, if applicable).

#### LBE Truckers

- 15. CMD will count 100% credit toward the LBE sub participation requirement(s) when an LBE-owned trailer is pulled by an 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 sub participation requirement(s) when an LBE-owned trailer is pulled by a non- LBE owned cab. CMD will count 0% credit toward the LBE sub participation requirement(s) when a non-LBE owned trailer is pulled by a non-LBE owned cab. To receive LBE sub participation credit, the Bidder must list the LBE trucking firm on Section 00 43 36 or equivalent City provided form (and Section 00 43 37 or equivalent City provided form, if applicable).
- 16. In order to receive LBE sub 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 sub participation credit for vehicles or equipment purchased or leased after the time of bid on a case by case basis.

#### Construction Equipment

- 17. 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 sub participation credit for these types of items, the LBE must be certified under the category of "Construction Equipment" with the CMD's Certification Unit at the time of bid.

*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 sub participation requirement(s).

### **3.02 SUBSTITUTION, REMOVAL, OR CONTRACT MODIFICATION OF LBE**

No LBE subcontractor, supplier, trucker or vendor listed on Section 00 43 36 or equivalent City provided form (or Section 00 43 37 or equivalent City provided form) 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. Contractor must conduct good faith efforts to replace an LBE subcontractor with another LBE subcontractor to comply with the LBE sub participation requirement(s). Additionally, no new subcontractors shall be added without prior CMD approval.



**PART IV “GOOD FAITH OUTREACH” REQUIREMENTS**

All Bidders shall undertake adequate good faith outreach as set forth in Section 14B.8 of the Ordinance.

Under Section 14B.8(C) of the Ordinance, proposals that do not meet the LBE sub participation requirement(s) will be rejected as non-responsive pursuant to Chapter 14B and its accompanying Rules and Regulations.

Bidders must perform at least one of the three good faith efforts approaches outlined on Form 2B (35% Approach, Inclusion of Micro-LBE Approach and/or the Good Faith Negotiation(s) Approach). Note: A Bidder may be waived from the good faith efforts if it has been deemed by CMD to have met the requirements in the Mentor Protégé Program. A Bidder shall provide the CMD proof of eligibility.

The instructions for the Inclusion of Micro-LBE Approach and the Good Faith Negotiation(s) Approach are clearly outlined on Form 2B. Bidder must submit all good faith documentation as specified on Form 2B. For the 35% Approach listed above, if a Bidder demonstrates in its Bid that it exceeds the sum of all the established LBE sub participation requirement(s) by 35% or more, such Bidder is not required to conduct the other good faith efforts approaches.

*Example:* The sum of all the LBE sub participation requirement(s) is 10%. Good faith efforts requirements will be met if the Bidder:

- 1) Meets the LBE sub participation requirement(s);

**AND**

- 2) Has a total LBE participation that equals or exceeds 13.5% of the bid amount. The 13.5% represents the 10% LBE sub participation requirement plus 35% of that 10% sub participation requirement.

The sum of all LBE sub participation requirement(s) set for project:	10.0%
35% of the 10% LBE sub participation requirement(s):	3.5%
<b>Total LBE participation must equal or exceed:</b>	<b>13.5%</b>

A Small or Micro-LBE Bidder/Proposer may count its own contract work toward the 35% good faith outreach exception portion, but may not count its own contract work toward the LBE sub participation requirement portion. An SBA-LBE Bidder/Proposer may not count its own contract work towards the LBE sub participation requirement portion or the 35% good faith outreach exception portion. SBA-LBE subs may count towards the 35% good faith outreach exception portion if the Director permitted Bidders/Proposers to list SBA-LBE firms to satisfy the LBE sub participation requirement.

**PART V NONCOMPLIANCE AND SANCTIONS**

**A. Non-Compliance with Chapter 14B**

- 1. A complaint of non-compliance concerning LBE participation initiated by any party after contract award will be processed in accordance with Chapter 14B and its implementing Rules and Regulations.
  - a. If the CMD Director determines that there is cause to believe that a Contractor has failed to comply with any of the requirements of Chapter 14B, CMD Rules and Regulations, or contract provisions pertaining to LBE participation, the CMD Director shall notify the Contract Awarding Authority and attempt to resolve the non-compliance through conference and conciliation.



- b. If the non-compliance is not resolved through conference and conciliation, the CMD Director shall conduct an investigation and, where the Director so finds, issue a written Finding of Non-Compliance.
  - c. The Director's finding shall indicate whether the Contractor acted in good faith or whether noncompliance was based on bad faith noncompliance with the requirements of Chapter 14B, CMD Rules and Regulations, or contract provisions pertaining to LBE participation.
2. Where the Director finds that the Contractor acted in good faith, after affording the Contractor notice and an opportunity to be heard, the Director shall recommend that the Contract Awarding Authority take appropriate action. Where the Director finds bad faith noncompliance, the Director shall impose sanctions for each violation of the Ordinance, CMD Rules and Regulations, or contract provisions pertaining to LBE participation, which may include:
    - a. Issuing an Order of Debarment prohibiting the Contractor and affiliates from participating in City Contracting for a period not to exceed five years and terminating any existing Contracts or Subcontracts with the debarred Contractor, in accordance with the Administrative Debarment provisions and procedures set forth in Administrative Code Chapter 28.
    - b. Determining that the Contractor has failed to comply with the provisions of Chapter 14B, sanctions are as follows:
      - i) suspend a Contract;
      - ii) withhold funds;
      - iii) assess penalties;
      - iv) debarment;
      - v) revoke CMD certification; or
      - vi) pursuant to 14B.7(H)(2) of the Ordinance, assess liquidated damages in an amount up to 25% of the total amount of the Contract or subcontract, as applicable, 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 Contractor to the City Administrator shall not stay the Director's findings.
  5. 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.



**FORM 2B: “GOOD FAITH EFFORTS” REQUIREMENTS FORM**

This “Good Faith Efforts” form, along with the required supporting documentation, must be completed and submitted per the instructions in this form, EVEN IF the LBE subcontracting/subconsulting participation requirement has been met (Section 14B.8 of the San Francisco Administrative Code). At the time of bid/proposal, Bidders/Proposers must submit this form along with its Bid/Proposal to be responsive. Failure to fulfill at least one of the three different approaches below may deem the Bid/Proposal nonresponsive.

To assist Bidders/Proposers with outreach to LBEs, the CMD website has a directory of certified LBEs: <https://sfgov.org/cmd/>.

Choose one of the three approaches listed below on this form. Approaches B and C require submittal of supporting documentation.

Approach A - 35% Approach

This approach is codified in Section 14B.8 of the San Francisco Administrative Code.

Under Approach A, a Bidder/Proposer must demonstrate that the total LBE participation requirement established for this project will be exceeded by at least 35%. This approach is illustrated in this CMD Attachment under Part IV.

- If a Contract has *separate* LBE sub participation requirements, the Bidder/Proposer must exceed by at least 35% the total sum of all the LBE sub participation requirements.
- A Small or Micro-LBE Prime Bidder/Proposer may not count its own contract work toward the LBE sub participation requirement portion, but may count its own contract work for the portion that exceeds the LBE sub participation requirement (i.e., 35% good faith outreach exception portion).
- An SBA-LBE Prime Bidder/Proposer may not count its own contract work towards the LBE sub participation requirement portion or the 35% good faith outreach exception portion.
- An SBA-LBE sub may count its participation towards the 35% good faith outreach exception portion if the Contract Monitoring Division Director permitted Bidders/Proposers to list SBA-LBE firms to satisfy the LBE sub participation requirement.

Select the boxes that apply:

Does your Bid/Proposal demonstrate that you have exceeded the established LBE sub participation requirement(s) by 35% or more in accordance with Section 14B.8(B)?  YES  NO

- I am a Small or Micro-LBE Prime Bidder/Proposer. I have listed LBE subs on Section 00 43 36/Form 2A/equivalent form to meet the established LBE sub participation requirement(s). I am relying on self-performed contract work to meet the 35% good faith outreach approach. Below is the total value of contract work I will perform with my own forces:

Percent (%) or Amount (\$) of Work: \_\_\_\_\_

- I am NOT a Small or Micro-LBE Bidder/Proposer. I have demonstrated on Section 00 43 36/Form 2A/equivalent form that the proposed LBE sub participation exceeds the sum of the established LBE sub participation requirements by at least 35%.



**Approach B - Inclusion of Micro-LBE**

This approach establishes that the Prime is utilizing Micro-LBEs on their projects.

Under Approach B, the Bidder's/Proposer's good faith efforts must be demonstrated by listing a different Micro-LBE subcontractor/subconsultant on this Bid or Proposal than they have listed in the last five (5) most recently awarded CCSF Contracts with LBE sub participation requirements.

- A Prime Bidder/Proposer that has been awarded at least five (5) CCSF Contracts at the time of the current Bid/Proposal must list at least one (1) Micro-LBE firm on its team that the Prime Bidder/Proposer has not listed on its last five (5) most recently awarded CCSF Contracts.
- A Prime Bidder/Proposer that has been awarded four (4) or less CCSF Contracts at the time of the current Bid/Proposal must list at least one (1) Micro-LBE firm on its team that the Prime Bidder/Proposer has not listed on any of its previously awarded CCSF Contracts and must indicate below the number of CCSF Contracts that it has been previously awarded.

**Enter exact number of CCSF awarded Contracts:**

- If there are separate LBE sub participation requirements on this Bid/Proposal, the Prime Bidder/Proposer is only required to list at least one Micro-LBE on its team to meet the "Good Faith Efforts" requirement.
- A Prime Bidder/Proposer that has never listed a Micro-LBE sub on any of its CCSF awarded Contracts or that has never bid on a CCSF Contract, may also utilize this approach.

A Bidder/Proposer must list the last five (5) most recently awarded CCSF Contracts below. If a Bidder/Proposer has four (4) or less CCSF awarded Contracts, it must list below all of its CCSF awarded Contracts. This includes Contracts where the Bidder/Proposer received a notification of award, even if work has not begun or if the Contract is not yet complete.

- CCSF Contracts that do not have an LBE sub participation requirement are excluded from this approach.
- Contracts where a Micro-LBE was utilized for a substitution, firm addition, or a trade package for CM/GC or DB projects are excluded from this approach.

Contract Awarding Department	Contract Title	Contract Number	Contract Awarding Department's Award Date
1.			
2.			
3.			
4.			
5.			



Bidder/Proposer must submit the following supporting documents for verification purposes; failure to submit this documentation may result in the Bid/Proposal found non-responsive:

- For each of the Contracts listed above, the Prime Bidder/Proposer must include Section 00 43 36/CMD Form 2A/equivalent form submitted to the Contract Awarding Department.
- The Section 00 43 36, CMD Form 2A, or equivalent form must indicate the Contract Awarding Department, the Project Title and the Contract Number.

The Micro-LBE sub listed for Approach B must sign below. By signing below, the Micro-LBE is verifying that it has not been utilized on the Prime Bidder's/Proposal's projects provided above.

Contract Number and Name: \_\_\_\_\_

Signature of Micro-LBE Owner/Authorized Representative: \_\_\_\_\_

Micro-LBE Owner/Authorized Representative (Print): \_\_\_\_\_

Name of Firm (Print): \_\_\_\_\_

Title and Position: \_\_\_\_\_

Address, City, ZIP: \_\_\_\_\_

Telephone/E-mail: \_\_\_\_\_

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

**Approach C - Good Faith Negotiation(s)**

This approach awards points for negotiating with LBEs in good faith.

Under Approach C, the Bidder's/Proposer's good faith outreach will be evaluated based on the entire team listed for the contract, even if the contract includes separate LBE sub participation requirement(s).

- A Bidder/Proposer must achieve at least 50 points with any combination of Items #1 through #3 below, as determined by CMD, to be deemed compliant with the "good faith outreach" requirements. A Bidder/Proposer who fails to achieve at least 50 points will be declared nonresponsive, and the Bid/Proposal will be rejected. Please check "yes" or "no" for each item listed below. Supporting documentation for Items #1 through #3 below must be submitted with the Bid/Proposal.



<p>1. Did your firm contact CMD certified LBE firms, not less than 10 calendar days prior to the due date of the Bid/Proposal? If so, you must include email documentation showing the date of the contact with your Bid/Proposal to verify that contacts were made timely.</p> <p>The purpose of contacting LBE firms is to provide notice of interest in bidding/proposing for this project. When contacting LBEs, you should provide adequate information about the plans, specifications, and requirements for the work.</p> <p>A Bidder/Proposer will receive 1 point for each LBE firm contacted, not less than 10 calendar days prior to the due date of the Bids/Proposals. The Bidder/Proposer may receive up to a maximum of 10 points for this item. There is no limitation to how many LBE firms a Bidder/Proposer can contact. Where there are fewer than 10 LBE firms available for subcontracting, and CMD has confirmed as such prior to the bid/proposal due date, the bidder/proposer will receive the 10 points as long as all potential LBE firms are contacted.</p> <p>If the City gave public notice of the project less than 15 calendar days prior to the Bid/Proposal due date, the allocation of points above still applies, except that the Bidder/Proposer may contact those LBE firms identified less than 10 calendar days prior to the due date of the Bid/Proposal.</p>	<p><input type="checkbox"/> Yes                  (Maximum of 10 points)</p>	<p><input type="checkbox"/> No                  (0 points)</p>
<p>2. Did your firm follow-up/negotiate in good faith with interested LBEs*? Your follow-up contact(s) with interested LBEs should include, but are not limited to correspondence regarding: the scope of work/services, quotes/billing rates, qualifications and/or expectations; the City’s bonding and financial assistance program(s); assistance available to potential LBE subcontractors/subconsultants to properly mobilize; reduction of your firm’s pre-qualification standards; etc.</p> <p>The Bidder/Proposer shall submit the following documentation:</p> <ul style="list-style-type: none"> <li>a) Identify each interested LBE firm you are submitting email correspondence/documentation for;</li> <li>b) Copies of <u>ALL</u> email correspondence for each LBE identified for Item #2 (Note that the initial email correspondence from Items #1 above will not count towards the subject Item)—At a minimum, the Bidder/Proposer must include email documentation showing a response to the interested LBE;</li> <li>c) A full and complete statement of the reason(s) why any of the LBE firms identified for Item #2 was not selected for the subject project.</li> </ul> <p>For each interested LBE firm that the Bidder/Proposer does follow-up with, the Bidder/Proposer will receive 10 points. There is no maximum amount of points/limitation to how many LBE firms a Bidder/Proposer can correspond with and follow-up/negotiate in good faith.</p> <p>A Bidder/Proposer who does not perform any follow-up contact with interested LBEs will receive zero points for Item #2.</p> <p>* “Interested LBE” shall mean an LBE firm that expresses interest in being a subcontractor/subconsultant/supplier to the Bidder/Proposer for the subject solicitation.</p>	<p><input type="checkbox"/> Yes                  (Minimum of 10 points to no Maximum)</p>	<p><input type="checkbox"/> No                  (0 points)</p>



<p>3. As part of your Bid/Proposal, did your firm list an LBE identified from Item #2 above?</p> <p>For each LBE that is identified under Item #2 above, the Bidder/Proposer will receive 30 points for listing said LBE for the subject solicitation on the specified sub listing form such as Section 00 43 36/CMD Form 2A/equivalent form.</p> <p>A Bidder/Proposer who does not list any LBEs from Item #2 above for the subject solicitation on Section 00 43 36/CMD Form 2A/equivalent form, will receive zero points for Item #3.</p> <p>The Bidder/Proposer shall submit the following documentation:</p> <ul style="list-style-type: none"> <li>a) Copies of all email correspondence between your firm and the LBE listed for the project, including written bids/quotes;</li> <li>b) A full and complete statement of the reasons for selection of the subcontractor(s)/subconsultant(s)/supplier(s). If the reasons are based on relative qualifications, the statement must address the particular qualification at issue. If the reason is based on the bid/quote amounts, the statement must include the amounts and describe the similarities and/or dissimilarities in the scope of work covered by the bids/quotes.</li> <li>c) Email notification to LBE that it will be listed on Section 00 43 36/CMD Form 2A/equivalent form and include the listed LBE's scope of work and dollar value/percentage.</li> </ul> <p>Pursuant to Section 14B.8(E) of the Ordinance, all Bidders/Proposers shall maintain the documentation described under this item for three years following submission of the Bid or completion of the Contract, whichever is later.</p>	<p><input type="checkbox"/> Yes                  (Minimum of 30 points to no maximum)</p>	<p><input type="checkbox"/> No                  (0 points)</p>
---	---	--

**For Approaches A through C**, the Prime Bidder/Proposer declares and swears under penalty of perjury under the laws of the State of California that the foregoing statements/documentation are true and correct and accurately reflect its good faith efforts as required in this CMD Attachment, in Section 14B.8 and the accompanying Chapter 14B's Rules and Regulations.

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





**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): \_\_\_\_\_

Email \_\_\_\_\_

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



**FORM 6: CMD LBE SUBCONTRACTOR PARTICIPATION AFFIDAVIT**

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

Contract Number: \_\_\_\_\_ Contract Name: \_\_\_\_\_

Name of Bidder: \_\_\_\_\_

Name of LBE Sub or Supplier: \_\_\_\_\_

License #: \_\_\_\_\_ Scope of work: \_\_\_\_\_

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

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

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

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

3. Please describe scope(s) of work:

4. Check one:

- We will NOT subcontract out ANY portion of our work to another subcontractor.
- We WILL subcontract out \_\_\_\_\_% of our work to: \_\_\_\_\_

Firm

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

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

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

\_\_\_\_\_  
 LBE Owner/Authorized Representative (Signature)

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Name and Title (Print)

\_\_\_\_\_  
 Phone

\_\_\_\_\_  
 Email



**FORM 6A: CMD LBE TRUCKING FORM**

This form must be submitted when the apparent low Bidder will be utilizing CMD certified LBE trucking firms. This form is to be completed to describe the complete scope of trucking work to be performed for the Contract and submitted to the CMD by 5 p.m. on the fifth day following Bid opening.

Contract Number: \_\_\_\_\_

Contract 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 on this project along with any trucking firms that it will further subcontract out portions of its work. *Copy 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                                      Email                                      Date



**FORM 7: CMD PROGRESS PAYMENT FORM**

To be submitted electronically using the Contract Awarding Authority’s City approved system.

To be entered by Prime Contractor and submitted to the Contract Awarding Authority and CMD with its monthly progress payment application (transmit to the following):

TO: Resident Engineer 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 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 Change Orders, Amendments, and Modifications to Date: \$ \_\_\_\_\_
- 3. Total Contract to Date (*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*): \_\_\_\_\_ %

**Prime Contractor must sign this form**

\_\_\_\_\_  
Owner/Authorized Representative (Signature)

\_\_\_\_\_  
Name and Title (Print)

\_\_\_\_\_  
Firm Name

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Email

\_\_\_\_\_  
Date



**SECTION 2.** For column “A”, list the Prime Contractor, each Joint Venture partner and ALL subcontractors, vendors, and suppliers including 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, and 5<sup>th</sup> tier subcontractors. Make copies if more space is needed. Prime Contractors must retain copies of all the prime 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, Prime Contractor 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 sub participation requirement(s) for this Contract:

Identify the LBE sub commitment(s) for this Contract:

A	B	C	D	E	F	G	H
<p style="text-align: center;"><b>Name of Firm</b></p> <p>List Prime Contractor/JV partners at the prime and sub levels, and all subs, vendors and suppliers for all tiers.</p> <p>(For each firm, indicate if it is an LBE.)</p>	<p><b>Service Performed</b></p>	<p><b>Amount of Contract or Purchase Order at Time of Award</b></p>	<p><b>Amount of Change Orders/Modifications to Date</b></p>	<p><b>Total Amount of Contract or Purchase Order to Date +/- Change Orders/Modifications (C + D) or (C-D)</b></p>	<p><b>Amount Invoiced this Reporting Period</b></p>	<p><b>Amount Invoiced to Date, including Amount Invoiced this Reporting Period (F)</b></p>	<p><b>Percent Completed to Date (G÷E)</b></p>
							%
							%
							%
							%
							%
							%
							%
							%
<b>LBE Sub-Totals</b>							%
<b>CONTRACT TOTALS</b>							%



**FORM 9: CMD PAYMENT AFFIDAVIT**

To be submitted electronically using the Contract Awarding Authority’s City approved system.

TO: Resident Engineer or Inspector

COPY: CMD Contract Compliance Officer

FROM: \_\_\_\_\_

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 subs, suppliers, and vendors (including lower tiers) utilized on this Contract. Failure to submit all required information may lead to partial withholding of progress payment 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.

Sub/Supplier/Vendor Name	Business Address	Amount Paid	Payment Date	Check Number/ Electronic Transfer 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. Prime Contractor must sign this form.

\_\_\_\_\_  
Owner/Authorized Representative (Signature)

\_\_\_\_\_  
Name and Title (Print)

\_\_\_\_\_  
Firm Name

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Email

\_\_\_\_\_  
Date



**FORM 8: CMD EXIT REPORT AND AFFIDAVIT**

Prime Contractor must complete and sign Sections 1 and 4 of this form for each LBE subcontractor/supplier/trucker (including each lower-tier LBE). All LBEs must complete and sign Sections 2 and 3 of this form. Please be sure to keep a copy of your outreach/delivery efforts (e.g., email, USPS certified mail, etc.) to the LBE sub(s). These forms should be submitted to the Contract Awarding Authority and CMD with the final progress payment request if the Contract has an LBE sub participation requirement.

TO: Resident Engineer Inspector 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.
- Please check this box if the LBE sub fails to complete and sign this form within 5 business days (see Section 3).

Reporting Date: \_\_\_\_\_ Contract Name: \_\_\_\_\_  
Name of LBE: \_\_\_\_\_ Portion of Work (Trade): \_\_\_\_\_  
Original LBE Contract Amount: \$ \_\_\_\_\_  
Change Orders, Amendments, Modifications: \$ \_\_\_\_\_  
Final LBE Contract Amount: \$ \_\_\_\_\_  
Amount of Progress Payments Paid to Date: \$ \_\_\_\_\_  
Amount Owning including all Change Orders, Amendments and Modifications \$ \_\_\_\_\_

Explanation by Prime 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: \$ \_\_\_\_\_

**SECTION 3.**

To be completed/signed by the LBE subcontractor/supplier/trucker:

- I agree with the above completed Section 1.
- I disagree with the above completed Section 1.

If "I disagree" is checked above, please explain. LBE sub must address any discrepancies within 5 business days after it has received this form from the Prime Contractor. If the LBE sub fails to submit the form within 5 business days, the Prime Contractor will note this under Section 1 of this form and submit the form as is with the final progress payment.

\_\_\_\_\_  
Owner/Authorized Representative (Signature)

\_\_\_\_\_  
Name and Title (Print)

\_\_\_\_\_  
Firm Name

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Email

\_\_\_\_\_  
Date





---

SECTION 4.

If this form is submitted without the LBE's signature, the Prime Contractor must enclose verification of delivery of this form to the LBE.

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

Email

Date



**FORM 10: CMD CONTRACT MODIFICATION FORM**

Prime Contractor 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: \_\_\_\_\_

Total Contract Amount as Modified to Date: \_\_\_\_\_

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

New Total Contract Amount after Current Modification Request: \_\_\_\_\_

**REQUIRED INFORMATION:**

1. 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%. Please list below.

Modification/ Amendment Number	Amount of Modification/ Amendment (If Applicable)	Brief Description of Services/Work

2. A spreadsheet showing each firm’s participation for the overall Contract, including each firm’s participation to date and proposed participation under the modification.



PROPOSED CONTRACT VALUE WITH NEW MODIFICATION/AMENDMENT

	LBE Commitment(s) at the Time of Bid	LBE Participation To-Date	Projected LBE Commitment(s) Including This Mod/Amend
Micro and Small-LBE	%	%	%
Micro, Small, and SBA-LBE	%	%	%
Micro-LBE	%	%	%
Small-LBE	%	%	%
SBA-LBE	%	%	%
TOTALS	%	%	%

Firm Name	Commitment Made at Time of Bid/Proposal	Dollar Invoiced To-Date	Invoiced % To-Date	Projected Overall Dollar Amount with This Mod/Amend	Projected Overall % with This Mod/Amend
	%	\$	%	\$	%
	%	\$	%	\$	%
	%	\$	%	\$	%
	%	\$	%	\$	%
	%	\$	%	\$	%
	%	\$	%	\$	%
	%	\$	%	\$	%
	%	\$	%	\$	%
	%	\$	%	\$	%
	%	\$	%	\$	%
<b>LBE TOTALS:</b>	%	\$	%	\$	%
<b>TOTALS:</b>	%	\$	%	\$	%

3. A brief description of the work to be performed under this amendment, modification, or change order.



4. For any listed LBE that is currently under its commitment or is not projected to meet its committed percentage of overall work, please provide an explanation as to why this is the case.

LBE Firms Falling Short of Commitment or Not Projected to Meet Their Committed Percentage of Work:	Reason

\_\_\_\_\_

Owner/Authorized Representative (Signature)

\_\_\_\_\_

Name and Title (Print)

\_\_\_\_\_

Firm Name

\_\_\_\_\_

Telephone                      Email                      Date