



Alameda County Technical Advisory Committee Meeting Agenda Thursday, March 4, 2021, 1:30 p.m.

Due to the statewide stay at home order and the Alameda County Shelter in Place Order, and pursuant to the Executive Order issued by Governor Gavin Newsom (Executive Order N-29-20), the Alameda County Technical Advisory Committee will not be convening at its Committee Room but will instead move to a remote meeting.

Members of the public wishing to submit a public comment may do so by emailing Angie Ayers at aayers@alamedactc.org by 5:00 p.m. the day before the scheduled meeting. Submitted comments will be read aloud to the Committee and those listening telephonically or electronically; if the comments are more than three minutes in length the comments will be summarized. Members of the public may also make comments during the meeting by using Zoom's "Raise Hand" feature on their phone, tablet or other device during the relevant agenda item, and waiting to be recognized by the Chair. If calling into the meeting from a telephone, you can use "Star (*) 9" to raise/ lower your hand. Comments will generally be limited to three minutes in length, or as specified by the Chair.

Committee Chair: Tess Lengyel

Staff Liaison: [Gary Huisinigh](#)

Clerk: [Vanessa Lee](#)

Location Information:

Virtual Meeting <https://zoom.us/j/94902524102?pwd=WWMwRmR0d3dPMjdBRVpnV1prQW5LZz09>

Information:

Webinar ID: 949 0252 4102

Passcode: 214308

For Public Access (669) 900-6833

Dial-in Information: Webinar ID: 949 0252 4102

Passcode: 214308

To request accommodation or assistance to participate in this meeting, please contact Angie Ayers, at least 48 hours prior to the meeting date at: aayers@alamedactc.org

Meeting Agenda

1. Call to Order

2. Introductions/Roll Call

3. Public Comment

4. Consent Calendar		Page/Action
4.1.	Approve the February 4, 2021 ACTAC Meeting Minutes	1 A
4.2.	Alameda County Federal Inactive Projects Update	5 I
5. Planning / Programs / Monitoring		
5.1.	Approve Programming Strategy for Metropolitan Transportation Commission's Call for Project Nominations for the Safe and Seamless Mobility Quick-Strike Program	9 A
5.2.	Local Business Contract Equity Program Updates and Information for Alameda CTC Project Sponsors	31 I
5.3.	COVID-19 Rapid Response Bicycle and Pedestrian Grant Program Update	93 I
6. Member Reports		
7. Staff Reports		
8. Adjournment		

Next Meeting: Thursday, April 8, 2021

Notes:

- All items on the agenda are subject to action and/or change by the Commission.
- To comment on an item not on the agenda (3-minute limit), submit a speaker card to the clerk.
- Call 510.208.7450 (Voice) or 1.800.855.7100 (TTY) five days in advance to request a sign-language interpreter.
- If information is needed in another language, contact 510.208.7400. Hard copies available only by request.
- Call 510.208.7400 48 hours in advance to request accommodation or assistance at this meeting.
- Meeting agendas and staff reports are available on the [website calendar](#).
- Alameda CTC is located near 12th St. Oakland City Center BART station and AC Transit bus lines. [Directions and parking information](#) are available online.



Alameda CTC Schedule of Upcoming Meetings March 2021 Through April 2021

Commission Chair
Mayor Pauline Russo Cutter
City of San Leandro

Commission Vice Chair
Councilmember John Bauters
City of Emeryville

AC Transit
Board President Elsa Ortiz

Alameda County
Supervisor David Haubert, District 1
Supervisor Richard Valle, District 2
Supervisor Wilma Chan, District 3
Supervisor Nate Miley, District 4
Supervisor Keith Carson, District 5

BART
Vice President Rebecca Saltzman

City of Alameda
Mayor Marilyn Ezzy Ashcraft

City of Albany
Councilmember Rochelle Nason

City of Berkeley
Councilmember Lori Droste

City of Dublin
Mayor Melissa Hernandez

City of Fremont
Mayor Lily Mei

City of Hayward
Mayor Barbara Halliday

City of Livermore
Mayor Bob Woerner

City of Newark
Councilmember Luis Freitas

City of Oakland
Councilmember At-Large
Rebecca Kaplan
Councilmember Sheng Thao

City of Piedmont
Councilmember Jen Cavanaugh

City of Pleasanton
Mayor Karla Brown

City of Union City
Mayor Carol Dutra-Vernaci

Executive Director
Tess Lengyel

Commission and Committee Meetings

Time	Description	Date
2:00 p.m.	Alameda CTC Commission Meeting	March 25, 2021 April 22, 2021
9:00 a.m.	Multi-Modal Committee (MMC)	April 12, 2021
10:00 a.m.	Programs and Projects Committee (PPC)	
11:30 a.m.	Planning, Policy and Legislation Committee (PPLC)	

Advisory Committee Meetings

5:30 p.m.	Independent Watchdog Committee (IWC)	March 8 2021
9:30 a.m.	Paratransit Technical Advisory Committee (ParaTAC)	March 9, 2021
1:30 p.m.	Joint Paratransit Advisory and Planning Committee and Paratransit Technical Advisory Committee (PAPCO/ParaTAC)	March 22, 2021
1:30 p.m.	Alameda County Technical Advisory Committee (ACTAC)	April 8, 2021

Due to the statewide stay at home order and the Alameda County Shelter in Place Order, and pursuant to the Executive Order issued by Governor Gavin Newsom (Executive Order N-29-20), the Commission will not be convening at its Commission Room but will instead move to a remote meeting.

Meeting materials, directions and parking information are all available on the [Alameda CTC website](http://www.AlamedaCTC.org). Meetings subject to change.

This page intentionally left blank



1. Call to Order

Gary Huisingsh called the meeting to order. Mr. Huisingsh provided instructions to the Committee regarding technology procedures including instructions on administering public comments during the meeting.

2. Roll Call

Roll call was conducted and all members were with the exception of Kevin Connolly, Lt. Austin Danmeier, Anthony Fournier, Johnny Jaramillo, Matt Maloney, Radiah Victor and John Xu.

Mike Tassano attended as an alternate for Cedric Novenario.

Beth Thomas attended as an alternate for Farid Javandel.

Jennifer Yeamans attended as an alternate for Tony McCaulay.

Subsequent to the roll call:

Mike Tassano arrived during item 5.1

3. Public Comment

There were no public comments.

4. Consent Calendar

4.1. Approval of January 7, 2021 ACTAC Meeting Minutes

4.2. Alameda County Federal Inactive Projects Update

Gail Payne made a motion to approve the consent calendar. Pratyush Bhatia seconded the motion. The motion passed with the following roll call votes:

Yes: Ameri, Ayupan, Bhatia, Evans, Fried, Horvath, Huisingsh, Imai, Izon, Larsen, Lee, Lui, Marquises, Nair, Ng, Payne, Raphael, Ripperda, Yeamans

No: None

Abstain: Thomas

Absent: Connolly, Danmeier, Fournier, Jaramillo, Maloney, Tassano, Victor, Xu

5. Programs/Projects/Monitoring

5.1. Approve Transportation Fund for Clean Air (TFCA) FY 2021-22 Expenditure Plan Application and Call for Projects

Jacki Taylor recommended that the Commission approve resolution 21-002 regarding the TFCA County Program Manager (CPM) FY 2021-22 Expenditure Plan Application, due to the Bay Area Air Quality Management District (Air District) by March 3, 2021. Ms. Taylor stated that the FY 2021-22 TFCA Expenditure Plan Application identifies approximately \$2.28 million of FY 2021-22 funding available for programming and is due to the Air District by March 3, 2021, prior to a detailed program of projects. In lieu of a stand-alone TFCA call for projects this year, the FY 2021-22 funding, along with \$829,425 of unprogrammed FY 2020-21 funding, was included in the fund estimate for the 2022 Comprehensive Investment Plan (CIP) call for projects, released December 2020. She stated that if TFCA funds remain unprogrammed following the adoption of the 2022 CIP the TFCA capacity will need to be programmed by fall 2021.

Hans Larsen stated that Fremont intends to submit a project for electrical vehicle infrastructure to use the TFCA funds and Fremont would like to work with Alameda CTC staff to make this project fundable.

Jason Imai and Ruben Izon asked if there is a partner for a fund exchange. Alameda CTC staff will speak with Mr. Imai and Izon outside of the meeting.

Paratyush Bhatia stated that Dublin is interested in funding for electric vehicles.

Pratyush Bhatia made a motion to approve this item. Gail Payne seconded the motion. The motion passed with the following roll call votes:

Yes: Ameri, Ayupan, Bhatia, Evans, Fried, Horvath, Huisingh, Imai, Izon, Lee, Lui, Marquises, Nair, Ng, Payne, Raphael, Ripperda, Tassano, Thomas, Yeamans

No: Larsen

Abstain: None

Absent: Connolly, Danmeier, Fournier, Jaramillo, Maloney, Victor, Xu

5.2. Safe Routes to Schools-Mini Grant Program Update

Aleida Andrino-Chavez announced funding availability through the Alameda CTC's Safe Routes to Schools (SR2S) Mini-Grant Program (Program). The Program aims to support member agency efforts to implement the recommended transportation improvements identified through School Site Assessments conducted by the Alameda CTC SR2S Program or by similar local efforts. Ms. Andrino-Chavez stated funds will be distributed on a formula basis to the fourteen cities and County of Alameda based on a jurisdiction's share of the countywide school population. The Call for Projects will be released on February 4, 2021 with an application deadline of March 15, 2021. She noted that all unclaimed funds

remaining after the application deadline will be reprogrammed through future Alameda CTC discretionary processes.

Hans Larsen indicated his support for this program and noted it is a great complement to the other elements of Alameda CTC's SR2S Program.

Ruben Izon requested combining the shares for unincorporated Alameda County. Mr. Bhat said the request will be accommodated.

Amber Evans asked if a pre-school site in Emeryville considered eligible for these funds, and what is the geographic scope of capital projects. Carolyn Clevenger stated that pre-schools are not included and would not be eligible. Ms. Andrino-Chavez stated improvements must be identified in a site assessment or similar analytical effort that identifies safety improvements providing safer access to schools. Staff will work with Emeryville.

5.3. 2020 Multimodal Performance Report Update

Chris Marks stated that annually Alameda CTC develops and presents data on the performance of Alameda County's multimodal transportation system. He noted that this year, the report is different because it focuses on the effects of COVID-19 on the transportation system. Mr. Marks stated that each year Alameda CTC prepares a summary of the state of the transportation system within Alameda County, tracking a series of key performance metrics for the countywide multimodal transportation system. The purpose of this report is to explain emerging trends that shape policy and decision-making throughout the agency. Typically, the annual performance report reflects multi-year shifts and gradual trends over a variety of important indicators. However, 2020 was a year unlike any other and the COVID-19 pandemic altered transportation in Alameda County so quickly and so radically that many of the standard instruments of measurement typically used for the performance report would fail to capture the current state of the system. The 2020 Multimodal Performance Report was developed using a new methodology in order to shed light on the transportation system with more real-time analysis of available metrics. The 2020 Multimodal Performance Report examines transportation as of early 2020, before the onset of the COVID-19 pandemic in Alameda County, and then presents available data for transit, autos, goods movement and active transportation in the months following March 2020.

Marilou Ayupan asked about the impacts on sales tax revenue for Measure BB from COVID-19. Cathleen Sullivan stated that the Commission was given an update on the sales tax at the January 2020 meeting and the staff report is located on the Alameda CTC website. John Nguyen stated that the sales tax is stable and the projections for Measure B, Measure BB and the vehicle registration fee are stable. The projections will be updated in 2022 in the May/June timeframe.

5.4. The Metropolitan Transportation Commission Housing Incentive Pool (HIP) Grant Program

The Metropolitan Transportation Commission (MTC) has requested jurisdiction review of the 2018 and 2019 status reports for the Housing Incentive Pool grant program (HIP). In 2018, MTC established a Housing Incentive Pool (HIP) grant program. Each year MTC puts together a status report, and updates the MTC Commission. MTC requests that jurisdictions review the data and contact MTC with any questions or corrections.

Amber Evans asked if these funds will be competitive or will there be a formula allocation. Ms. Sullivan stated the MTC will select the 15 jurisdictions based specifically on housing production and the funding will be via allocation.

6. Members Report

There were no member reports.

7. Staff Report

John Nguyen thanked the members for submitting their applications to the 2022 CIP. He stated that 35 applications were received totaling approximately \$38 million. The next step will be to evaluate the applications and bring back the programming recommendations in April or May.

Craig Raphael asked about MTC Quick Build Program. Vivek Bhat stated that the Quick Build Program call for nominations was released after Alameda CTC's CIP call. Alameda CTC intends to utilize the 2022 CIP project inventory of 35 applications for MTC's program. Alameda CTC will bring an update to the ACTAC at the next ACTAC meeting.

Jacki Taylor informed the Committee about a funding opportunity from the Bay Area Air Quality Management District's Charge program and they are accepting applications for publicly-accessible Electric Vehicle charging infrastructure. The applications are due by March 18th and all applicants are required to attend at least one pre-application workshop.

8. Adjournment

The meeting adjourned at 3:00 p.m. The next meeting is scheduled for March 4, 2021.



DATE: February 25, 2021

TO: Alameda County Technical Advisory Committee

FROM: Vivek Bhat, Director of Programming and Project Controls
Jacki Taylor, Senior Program Analyst

SUBJECT: Alameda County Federal Inactive Projects Update

Recommendation

It is recommended that ACTAC members review the current Caltrans Inactive Projects list (Attachment A), which identifies federal funding at risk for deobligation due to delayed invoicing and to review the actions required by the project sponsor to keep the funding obligation active and in compliance with Caltrans requirements. This is an information item.

Summary

Federal regulations require local agencies receiving federal funds to regularly invoice against each federal obligation. Caltrans maintains a list of inactive obligations and projects are added to the list when there has been no invoice activity for the past six months. If Caltrans does not receive an invoice during the subsequent six-month period the project's federal funds will be at risk for deobligation by the Federal Highway Administration (FHWA). ACTAC members are requested to review the latest inactive projects list (Attachment A), which identifies the federal funds at risk and the actions required to avoid deobligation. Local agencies are expected to regularly submit invoices and close out projects in a timely manner. To reduce the occurrence of inactive projects, local agencies are encouraged to implement quarterly invoicing. Project sponsors with inactive projects are to work directly with Caltrans Local Assistance to clear the inactive invoicing status, submit inactive justification forms, and provide periodic status updates to Alameda CTC programming staff until projects are removed from the Caltrans report.

Background

In response to FHWA's requirements for processing inactive obligations, Caltrans Local Assistance proactively manages federal obligations, as follows:

- If Caltrans has not received an invoice for obligated funds in over six months, the project will be deemed inactive and added to the list of Federal Inactive Obligations. The list is posted on the Caltrans website and updated weekly:

<https://dot.ca.gov/programs/local-assistance/projects/inactive-projects>. If the inactive list indicates a written justification is due to Caltrans, the justification form is available at this same link.

- Caltrans will notify local agencies the first time a project becomes inactive.
- If Caltrans does not receive an invoice within the following six months (12 months without invoicing), Caltrans will deobligate the unexpended balances. The deobligation process is further detailed in [FHWA's Obligation Funds Management Guide](#), which states that project costs incurred after deobligation are not considered allowable costs for federal participation and are therefore ineligible for future federal reimbursement.

It is the responsibility of local agencies to work in collaboration with their DLAE to ensure projects are removed from the inactive list and avoid deobligation.

Regional Requirements

The Metropolitan Transportation Commission (MTC) Regional Project Delivery Policy, MTC Resolution 3606, states that *"Agencies with projects that have not been invoiced against at least once in the previous six months or have not received a reimbursement within the previous nine months have missed the invoicing /reimbursement deadlines and are subject to restrictions placed on future regional discretionary funds and the programming of additional federal funds in the federal TIP until the project receives a reimbursement."* Additionally, MTC may delay the obligation of currently programmed regional discretionary funding to a future year. Thus, agencies with inactive projects must resolve their inactive status promptly to avoid restrictions on future federal funds. MTC actively monitors inactive obligations and periodically contacts project sponsors for status updates. MTC encourages Local Agencies to invoice more frequently than the 6-month minimum and preferably on a quarterly basis.

Invoice Submittal

Due to COVID-19, Caltrans has temporarily exempted its requirement for wet signatures on invoice documents in order to process for payment. Until further notice, Districts will be accepting scanned copies of invoices. Local Assistance Procedures Manual (LAPM) forms, including Exhibit 5-A Local Agency Invoice form can be found [here](#).

Next Steps

ACTAC members are requested to ensure timely invoicing against each federal obligation and work directly with Local Assistance to resolve invoicing issues. Sponsors with inactive projects are requested to provide periodic status updates to Alameda CTC until the project is removed from the report. Email updates to Jacki Taylor, JTaylor@alamedactc.org.

Fiscal Impact: There is no fiscal impact. This is an information item.

Attachment:

- A. Alameda County Federal Inactive Projects List, dated 2/19/21.

Alameda County Inactive Obligations

Updated by Caltrans 2/19/2021

Project Balances > \$50,000

Project Number	Status	Agency Action Required	Project Prefix	Agency	Project Description	Potential Deobligation Date	Latest Date	Earliest Authorization Date	Latest Payment Date	Last Action Date	Months of No Activity	Total Cost Amount	Obligations Amount	Expenditure Amount	Unexpended Balance
5014041	Inactive	Invoice returned to agency. Contact DLAE.	STPL	Alameda	PACIFIC AVE: MAIN ST TO FOURTH ST & OTIS DR: PARK ST TO BROADWAY ROADWAY REHAB.	9/16/2020	9/17/2019	1/30/2014	9/17/2019	10/14/2020	16	\$1,339,448	\$634,900	\$125,673	\$509,227
5014038	Inactive	Invoice returned to agency. Contact DLAE.	HSIPL	Alameda	PARK STREET, PARK STREET DRAW BRIDGE TO ENCINAL AVE, INSTALL LEFT TURN LANES PHASE, UPGRADE	3/24/2021	3/24/2020	1/18/2012	3/24/2020	3/24/2020	10	\$964,300	\$733,400	\$466,736	\$266,664
6480021	Inactive	Invoice overdue. Contact DLAE.	FERPL17	Alameda County Transportation Commission	DUBLIN BLVD: NORTH CANYON PARKWAY FROM FALLON RD TO DOOLAN RD DUBLIN BLVD. -NORTH	5/7/2021	5/7/2020	5/7/2020		5/7/2020	8	\$6,754,176	\$539,940	\$0	\$539,940
6480007	Inactive	Invoice overdue. Contact DLAE.	STPL	Alameda County Transportation Commission	ALAMEDA COUNTY - COUNTYWIDE, COMMUNITY -BASED TRANSPORTATION PLAN UPDATES	6/2/2021	6/2/2020	10/29/2013	6/2/2020	6/2/2020	7	\$593,750	\$475,000	\$387,613	\$87,387
6480010	Inactive	Final invoice under review by Caltrans. Monitor for progress.	ATPL	Alameda County Transportation Commission	THE EAST BAY GREENWAY-OAKLAND-HAYWARD, CLASS I BIKE FACILITY	1/25/2020	1/25/2019	3/26/2015	1/25/2019	1/25/2019	24	\$3,000,000	\$2,656,000	\$2,575,508	\$80,492
5050047	Inactive	Invoice overdue. Contact DLAE.	STPL	Hayward	WANTON AVE. - HESPERIAN BLVD TO SANTA CLARA ST. REHAB PAVEMENT, UPGRADE CURB RAMPS AND	6/23/2021	6/23/2020	6/23/2020		6/23/2020	7	\$101,200	\$88,000	\$0	\$88,000
5050041	Inactive	Final Voucher Removed from Inventory	STPL	Hayward	INDUSTRIAL BLVD. - CLAWITER RD. TO 659 FT. SOUTH OF DEPOT RD. PAVEMENT REHABILITATION	4/10/2020	4/11/2019	1/23/2014	4/11/2019	4/11/2019	21	\$1,538,563	\$1,335,000	\$1,266,235	\$68,765
5012147	Inactive	Invoice overdue. Contact DLAE.	HSIPL	Oakland	ON BANCROFT AVE. FROM HAVENSCOURT BLVD AND 98TH AVE. INSTALL HAWKS AND RRFBS AT 11	6/23/2021	6/23/2020	10/13/2017	6/23/2020	6/23/2020	7	\$4,322,000	\$3,257,174	\$702,374	\$2,554,800
5012141	Inactive	Project is inactive. Funds at risk. Invoice immediately. Provide status to DLAE/ submit inactive justification form.	HSIPL	Oakland	MARKET ST. BETWEEN 4TH AND 7TH ST. & 18TH TO 19TH ST. INTERSECTION AT MARKET ST AT 14TH, 16, AND 21ST STREET, SAN PABLO AVE AT 32TH.	5/6/2020	5/7/2019	10/21/2016	5/7/2019	12/20/2019	20	\$2,685,282	\$1,425,870	\$183,600	\$1,242,270
5012142	Inactive	Project is inactive. Funds at risk. Invoice immediately. Provide status to DLAE/ submit inactive justification form.	HSIPL	Oakland	TELEGRAPH AVENUE BETWEEN 29TH AND 45TH ST. STRIPING AND SIGN ROAD DIET WITH BUFFERED BIKE LANE, SIGNAL MODIFICATION, CROSSWALK	7/23/2020	7/24/2019	10/14/2016	7/24/2019	10/17/2019	18	\$2,212,347	\$1,344,510	\$199,260	\$1,145,250
5012028	Inactive	Invoice returned to agency. Contact DLAE.	STPLZ	Oakland	23RD AVE BR 33C0148, CAMPUS DR BR 33C0238 & COLISEUM WAY BR 33C0253 SEISMIC RETROFIT	5/14/2021	5/14/2020	9/1/1996	5/14/2020	1/7/2021	8	\$3,312,953	\$2,897,545	\$2,278,206	\$619,339
5012134	Inactive	Invoice overdue. Contact DLAE.	STPL	Oakland	7TH STREET FROM WOOD ST TO PERALTA ST. ROAD DIET, BICYCLE LANES, SIDEWALK ENHANCEMENT, AND	4/9/2021	4/9/2020	4/6/2017	4/9/2020	4/9/2020	9	\$3,744,000	\$3,288,000	\$3,222,240	\$65,760
5012127	Inactive	Invoice returned to agency. Contact DLAE.	CML	Oakland	ON PERALTA ST FROM 7TH ST TO 10TH ST AND FROM 32ND ST TO HAVEN STREET.	2/26/2020	2/26/2019	2/16/2016	2/26/2019	2/26/2019	23	\$3,943,753	\$3,098,415	\$3,036,697	\$61,718
5101031	Inactive	Invoice returned to agency. Contact DLAE.	STPL	Pleasanton	CHABOT DRIVE, WILLOW ROAD, GILBRALTAR DRIVE, HACIENDA DRIVE, STONERIDGE DRIVE AND OWENS DRIVE	3/19/2021	3/19/2020	3/19/2020		8/11/2020	10	\$2,639,852	\$1,095,000	\$0	\$1,095,000
5041045	Inactive	Project is inactive. Funds at risk. Invoice immediately. Provide status to DLAE/ submit inactive justification form.	HSIPL	San Leandro	IN SAN LEANDRO AT THE INTERSECTION OF DAVIS ST AND CARPENTIER ST. INSTALL PEDESTRIAN ACTIVATED HAWK SIGNAL, ACCESSIBLE PEDESTRIAN	11/27/2019	11/27/2018	4/21/2017	11/27/2018	10/17/2019	26	\$292,655	\$254,405	\$37,655	\$216,750
5933126	Future	Invoice ASAP to avoid inactivity.	HPLUL	Alameda County	EAST 14TH ST/MISSION BLVD FROM 162ND AVE TO RUFUS CT, CONSTRUCT BULB OUTS WITH STREETSCAPE	9/15/2021	9/15/2020	4/9/2014	9/15/2020	9/15/2020	4	\$674,940	\$539,940	\$100,839	\$439,101
5933143	Future	Invoice under review by Caltrans. Monitor for progress.	ATPL	Alameda County	IN CASTRO VALLEY: ON ANITA AVENUE BETWEEN CASTRO VALLEY BLVD. AND SOMERSET AVENUE CONSTRUCT SIDE	8/20/2021	8/20/2020	2/15/2018	8/20/2020	8/20/2020	5	\$310,000	\$250,000	\$194,156	\$55,844
6480017	Future	Invoice under review by Caltrans. Monitor for progress.	TCESB1L	Alameda County Transportation Commission	IN THE CITY OF OAKLAND, WITHIN THE PORT OF OAKLAND'S SEAPORT FACILITIES AND ADJACENT AREA IN THE	8/19/2021	8/19/2020	8/28/2018	8/19/2020	8/19/2020	5	\$28,562,849	\$9,741,364	\$539,719	\$9,201,645
5050046	Future	Invoice under review by Caltrans. Monitor for progress.	STPCML	Hayward	MAIN STREET FROM MCKEEVER AVENUE TO D STREET REDUCE ROADWAY FROM 4 TO 2 LANES,	8/4/2021	8/4/2020	1/14/2019	8/4/2020	8/4/2020	5	\$350,000	\$175,000	\$550	\$174,450
5012123	Future	Invoice ASAP to avoid inactivity.	STPL	Oakland	LAKESIDE DR. FROM MADISON ST. TO HARRISON, HARRISON ST FROM 19TH AVE TO GRAND AVE. THE INTERSECTION	8/20/2021	8/20/2020	2/9/2016	8/20/2020	8/20/2020	5	\$12,643,334	\$9,200,000	\$8,586,493	\$613,507
5012103	Future	Invoice ASAP to avoid inactivity.	BHLO	Oakland	ADELIN STREET BRIDGE OVER UPRR AMTRAK, BRIDGE# 33C0028 SEISMIC RETROFIT	7/7/2021	7/7/2020	5/4/2011	7/7/2020	7/7/2020	6	\$712,000	\$630,334	\$387,711	\$242,623
5012133	Future	Invoice ASAP to avoid inactivity.	CMLNI	Oakland	CITYWIDE, OAKLAND CARSHARE AND OUTREACH PROGRAM	8/26/2021	8/26/2020	9/8/2015	8/26/2020	8/26/2020	5	\$384,631	\$320,526	\$241,040	\$79,486

Alameda County Inactive Obligations

Updated by Caltrans 2/19/2021

Project Balances < \$50,000

Project Number	Status	Agency Action Required	Project Prefix	Agency	Project Description	Potential Deobligation Date	Latest Date	Earliest Authorization Date	Latest Payment Date	Last Action Date	Months of No Activity	Total Cost Amount	Obligations Amount	Expenditure Amount	Unexpended Balance
5014040	Inactive	Final Voucher Package Received	TCSPL	Alameda	INTERSECTIONS OF PARK ST/LINCOLN AVE AND PARK ST/BUENA VISTA AVE, PEDESTRIAN SAFETY TRANSPORTATION IMPROVEMENTS	3/7/2018	3/7/2017	3/22/2013	3/7/2017	3/7/2017	46	\$319,633	\$282,885	\$253,486	\$29,399
5014043	Inactive	Invoice overdue. Contact DLAE.	ATPLNI	Alameda	JEAN SWEENEY OPEN SPACE: RAIL TO TRAIL CONVERSION OF THE FORMER ALAMEDA BELTLINE. CROSS ALAMEDA	6/18/2021	6/18/2020	4/17/2017	6/18/2020	6/18/2020	7	\$141,000	\$123,000	\$105,048	\$17,952
5012131	Inactive	Project is inactive. Funds at risk. Invoice immediately. Provide status to DLAE.	ATPL	Oakland	MACARTHUR BLVD FROM HIGH ST TO RICHARDS ST. INSTALLATION OF BIKE LANES (CLASS I/II), TRAFFIC AND	8/14/2020	8/15/2019	4/6/2017	8/15/2019	8/15/2019	17	\$4,999,047	\$3,598,000	\$3,558,000	\$40,000
6000060	Inactive	Invoice overdue. Contact DLAE.	STPLZ	San Francisco Bay Area Rapid Transit District	A LINE: STATIONS: FRUITVALE AND COLISEUM SEISMIC RETROFIT	5/28/2021	5/28/2020	4/15/2015	5/28/2020	5/28/2020	8	\$18,737,500	\$3,016,056	\$2,969,120	\$46,936
5012139	Future	Invoice ASAP to avoid inactivity.	HSIPL	Oakland	IN OAKLAND: AT THE INTERSECTIONS OF: 10TH/OAK, 10TH/JACKSON, 10TH/HARRISON, 11TH/JACKSON,	9/11/2021	9/11/2020	10/14/2016	9/11/2020	9/11/2020	4	\$466,888	\$420,199	\$398,648	\$21,551
5012128	Future	Invoice ASAP to avoid inactivity.	CML	Oakland	MARTIN LUTHER KING WAY FROM 32ND ST TO 35 TH ST. AND STRIPING FR. WEST GRAND TO 40TH ST. STREET SCAPE	9/15/2021	9/15/2020	2/16/2016	9/15/2020	9/15/2020	4	\$3,015,722	\$2,352,857	\$2,341,791	\$11,066
5101029	Future	Invoice ASAP to avoid inactivity.	BPMP	Pleasanton	CITY OF PLEASANTON: 5 BRIDGES, 33C0454, 33C0099, 33C0453, 33C0461, AND 33C0462. BRIDGE PREVENTIVE	9/11/2021	9/11/2020	12/19/2015	9/11/2020	9/11/2020	4	\$1,575,426	\$134,532	\$131,090	\$3,442

Color Key

- Project is inactive for more than 12 months and is carried over from last quarter inactive project list. **Provide status to DLAE/ submit inactive justification form.**
- Invoice / Final invoice is under review
- Project is in final voucher process. District can contact Final voucher unit to verify and get an update.
- Invoice is returned and agency needs to contact DLAE to resubmit the invoice.
- Invoice Overdue. Agency needs to provide justification to DLAE.



Memorandum

5.1

1111 Broadway, Suite 800, Oakland, CA 94607 • 510.208.7400 • www.AlamedaCTC.org

DATE: February 25, 2021

TO: Alameda County Technical Advisory Committee

FROM: Vivek Bhat, Director of Programming and Project Controls
Jacki Taylor, Senior Program Analyst

SUBJECT: Approve Programming Strategy for Metropolitan Transportation Commission's Call for Project Nominations for the Safe and Seamless Mobility Quick-Strike Program

Recommendation

It is recommended the Commission approve the following programming strategy for nominating projects for the Metropolitan Transportation Commission (MTC) Safe and Seamless Quick-Strike Program:

1. Authorize staff to nominate projects from the pool of applications received for the Alameda CTC's 2022 Comprehensive Investment Plan (2022 CIP) that align with the guidelines and requirements of MTC's Safe and Seamless Quick-Strike Program; and
2. Authorize staff to nominate projects from the regionally significant and countywide projects and programs identified in the staff report that align with the guidelines and requirements of MTC's Safe and Seamless Quick-Strike Program.

Summary

Last month, MTC released a call for project nominations and Guidelines (Attachment A) for the Safe and Seamless Mobility Quick-Strike Program (Program), a one-time, competitive grant program within its One Bay Area Grant program (OBAG 2) framework. The program emphasizes bicycle/pedestrian safety and mobility, connections to transit, and projects that advance equitable mobility. Through this program, approximately \$54 million of federal funding is available regionwide to support local and regional projects that can be implemented quickly to benefit communities responding and adapting to the COVID-19 environment. County targets based on the OBAG 2 county program distribution have been provided by MTC as a guide, and Alameda County's funding target is 19.9% (approximately \$10 million).

MTC has requested County Transportation Agencies (CTAs) to submit project nominations for their county area by March 30, 2021. In response, Alameda CTC staff has developed a recommended programming strategy to address immediate funding needs for projects submitted for the 2022 CIP as well as regional and countywide priorities.

Background

MTC's Safe and Seamless Mobility Quick-Strike Program is a one-time, competitive grant program within the One Bay Area Grant program (OBAG 2) framework. Federal funding is available to support local and regional projects that can be implemented quickly to benefit communities responding and adapting to the COVID-19 environment. Available funding includes a mix of Surface Transportation Block Grant Program (STP), Congestion Mitigation and Air Quality Improvement (CMAQ) and Federal Highway Infrastructure Program (FHIP) funds, with FHIP funds exchanged with STP/CMAQ funds to the extent possible to meet federal other funding deadlines and requirements. CMAQ funds will be used for eligible projects that demonstrate air quality benefits and implement Plan Bay Area's climate initiative goals and priorities.

To address local needs throughout the region, and encourage community-based project investments, each CTA will act on MTC's behalf and submit project nominations for their county area. County targets based on the OBAG 2 county program distribution have been provided by MTC as a guide (Attachment A), with a minimum of \$1 million per county. Alameda County's target is 19.9% (approximately \$10 million). However, MTC staff cautions that the final project selection will not necessarily adhere to these targets because the final program of projects must reflect regional and multi-county priorities, in addition to local priorities within each county, and conform with the program guidance and timelines.

Program Development Process and Schedule

MTC's project nomination/prioritization process for the Program is intended to quickly distribute funds to competitive and impactful investments throughout the region and program development includes these key steps:

- Letters of Interest: County Transportation Agencies (CTAs) submit Letters of Interest to nominate projects within their counties. In addition to basic project information (project description, sponsor, total cost, funding request), submittals should also describe how the project meets the program eligibility requirements and evaluation criteria, and how well the proposed project sponsor meets state and federal funding requirements. Nomination letters, project information forms, and Complete Streets checklists must be received no later than Tuesday, March 30, 2021.
- Evaluation: MTC staff will evaluate CTA nominations as well as regional program considerations to develop a recommended program of projects. Program recommendations are scheduled to be presented to Bay Area Partnership Board for review and discussion in April and released on May 3, 2021.

- Project Applications: For projects recommended for funding, MTC and CTA staff will work with project sponsors to submit project applications with a detailed scope, delivery schedule, and funding plan, with all supporting documentation including resolutions of local support due to MTC by May 21, 2021.
- Program Approval: MTC Commission approval of the recommended program of projects is anticipated in late May 2021.

Project Eligibility & Focus Areas

The program emphasizes bicycle and pedestrian safety and mobility, connections to transit, and projects that advance equitable mobility. Eligible project types include:

- Quick-build bike, pedestrian, and transit improvements; including bike share enhancements.
- Local safe and seamless mobility projects, including projects that advance equitable mobility; invest in bicycle/pedestrian safety; improve connections to transit; or implement seamless strategies within a corridor.
- In addition to capital projects, programs that support safe and seamless mobility or advance equitable mobility are also eligible (ex. safe routes to school/transit programs). Up to \$200,000 per county may also be directed towards countywide implementation of safe and seamless mobility planning and programming efforts.

Evaluation Criteria

MTC staff will evaluate the CTA-nominated projects against the program criteria detailed in MTC's Program Guidelines (Attachment A). Projects should align with the identified Connected Mobility Framework Values and Goals (detailed in Guidelines); be the direct result or outcome of a community engagement process; be within or directly connected to a Priority Development Area (PDA) or Transportation Priority Area (TPA) and/or serve a Community of Concern (COC), Community Air Risk Evaluation (CARE) program area, or similar local designation (PDAs and TPAs may be existing or recently designated as part of the Plan Bay Area 2050 growth framework); address transit connectivity gaps, especially in areas significantly impacted from the Pandemic; demonstrate partnership among jurisdictions, transit agencies, and counties; and demonstrate ability to be delivered quickly and meet federal funding requirements, including the requirements of the OBAG 2 program, MTC Resolution 4202, the Regional Project Delivery Policy, MTC Resolution 3606, and obligate federal funds by September 30, 2022. Additionally, awarded funding cannot supplant existing funds.

Alameda County Programming Strategy for Project Nominations

Staff has developed a recommended programming strategy in response to MTC's call for project nominations, due by March 30, 2021. The approach includes maximizing the funding available for the projects submitted for the 2022 CIP and addressing other immediate countywide funding needs.

2022 CIP Applications Inventory

The 2022 CIP call for projects included a fund estimate of \$26 million and was released in December 2020. In response to the call, Alameda CTC received 35 applications requesting funding of approximately \$38.3 million (Attachment B). Similar to the MTC's Safe and Seamless Mobility Quick-Strike program, eligibility for the 2022 CIP is focused on funding high-priority and near-term bicycle and pedestrian and transit-related capital projects. Staff is proposing to use this inventory of applications to select eligible projects to nominate for MTC's Safe and Seamless Mobility Quick-Strike program. This approach will help augment the local funding available through the 2022 CIP.

Regionally Significant and Countywide Projects and Programs

In addition to the inventory of 2022 CIP applications, there are several projects and programs with immediate funding needs including certain Alameda CTC-sponsored projects and requests received from MTC. These project needs are summarized below:

- ***I-80 Gilman I/C Bike/Ped Over-crossing & Access Imps, Phase 1***
Estimated funding need: \$1.6 million

Post bid opening, the lowest bidder was approximately \$3.8 million over the Engineer's Estimate. Approximately \$2.2 million of the shortfall is being addressed by a combination of state and City of Berkeley funds. The funding gap of \$1.6 million needs to be addressed to award the contract.

- ***I-80 Gilman I/C Bike/Ped Over-crossing & Access Imps, Phase 2***
Estimated funding need: \$4 million

I-80 Gilman I/C Phase 2 construction is scheduled to be advertised in June 2021. The latest Engineer's estimate is approximately \$5 million over the secured funding. Phase 2 includes approximately \$4 million bike /ped elements which may be eligible for MTC's Safe and Seamless Mobility Quick-Strike program. Similar to Phase 1, the funding gap needs to be addressed near-term to avoid loss of committed state funds.

- ***Countywide Safe Routes to School Program (SR2S)***
Estimated funding need: \$1.5 million

Alameda CTC is the implementing agency for the Countywide SR2S which is funded with a combination of State ATP and federal OBAG cycle 2 funds over a 5-year period. The program is scheduled to go into year 5 of its implementation and has a funding need of approximately \$1.5 million based on the current costs of implementation and additional program needs.

- ***Bay Bridge Forward, I-580 Westbound High Occupancy Vehicle Lane Extension***
Estimated funding need: \$1.5 million

In May 2020, Alameda CTC approved \$10 million for the MTC Bay Bridge Forward Initiative projects, which included \$4.75 million for the I-580 Westbound HOV Extension project. Current updated cost estimates of the project indicate an

additional need of \$3 million. MTC is requesting \$1.5 million through the Safe and Seamless Quick Strike program from Alameda County's target share.

- ***Various youth and adult bicycle promotion and education programs***
Estimated funding need: \$110,000

Bike East Bay has approached Alameda CTC staff with funding requests for a suite of bicycle promotion and education programs that address equitable mobility. These include various youth and adult bicycle programs that provide bike equipment, repairs, and bike safety training and education.

Although the MTC's guidance estimates Alameda County's target at 19.9% (approx. \$10 million), staff intends to submit nominations above the target amount, in the range of \$15 million. This is based on MTC's caution that if not all CTAs nominate sufficient eligible projects to meet their county target, MTC could choose to provide that unused programming capacity to other counties. Additionally, MTC's evaluation process entails selecting projects of regional significance and that comply with the OBAG 2 and federal delivery requirements, including being construction ready by Fall 2022.

It is recommended the Commission authorize staff to evaluate, select and submit project nominations from the received 2022 CIP applications and the identified projects and programs of regional significance, for MTC's Safe and Seamless Quick-Strike Program.

Next Steps

By March 30, 2021, staff will evaluate potential projects and submit project nominations that support MTC's program guidance and timelines. MTC is anticipated to approve a program of projects in late May 2021. The awarded federal funding is to be obligated by September 30, 2022.

Fiscal Impact: There is no fiscal impact associated with this item.

Attachments:

- A. MTC Safe and Seamless Mobility Quick-Strike Program Call for Nominations and Guidance
- B. 2022 Comprehensive Investment Plan – Summary of Applications Received

This page intentionally left blank



February 5, 2021

Scott Haggerty, Chair
Alameda County

Alfredo Pedroza, Vice Chair
Napa County and Cities

Margaret Abe-Koga
Cities of Santa Clara County

Eddie Abn
San Francisco Bay Conservation
and Development Commission

David Canepa
San Mateo County

Cindy Chavez
Santa Clara County

Damon Connolly
Marin County and Cities

Carol Dutra-Vernaci
Cities of Alameda County

Dina El-Tawansy
California State
Transportation Agency

Dorene M. Giacomini
U.S. Department of Transportation

Federal D. Glover
Contra Costa County

Nick Josefowitz
San Francisco Mayor's Appointee

Sam Liccardo
San Jose Mayor's Appointee

Jake Mackenzie
Sonoma County and Cities

Gina Papan
Cities of San Mateo County

David Rabbitt
Association of Bay Area Governments

Hillary Ronen
City and County of San Francisco

Libby Schaaf
Oakland Mayor's Appointee

James P. Spering
Solano County and Cities

Amy R. Worth
Cities of Contra Costa County

Vacant
U.S. Department of Housing
and Urban Development

Therese W. McMillan
Executive Director

Alix Bockelman
Deputy Executive Director, Policy

Andrew B. Fremier
Deputy Executive Director, Operations

Brad Paul
Deputy Executive Director,
Local Government Services

TO: CTA Executive Directors

RE: Safe and Seamless Mobility Quick-Strike Program – Call for Nominations

Dear CTA Executive Directors:

On January 27, 2021, the Metropolitan Transportation Commission (MTC) approved MTC Resolution No. 4202, Revised, which included the policy framework for the Safe and Seamless Mobility Quick-Strike program. The detailed program guidelines, located in Appendix A-11 to the One Bay Area Grant (OBAG 2) program resolution, are provided as an attachment (**Attachment 1**). OBAG 2 policies, procedures, and requirements apply to the Safe & Seamless program unless specified otherwise in Appendix A-11.

The purpose of this letter is to release the call for project nomination letters for the Safe & Seamless grant program and provide additional guidance on the solicitation process. Project nomination letters for projects submitted as part of county targets are to be submitted by the Bay Area County Transportation Agencies (CTAs). Project sponsors and interested stakeholders are encouraged to work with the applicable CTA (or multiple CTAs for multi-county projects) for submittal of project nominations. This call does not include the projects to be identified by the Blue Ribbon Transit Recovery Task Force, which will follow a different process.

Project Nominations

CTAs are invited to submit project nomination letters to MTC for projects located within their counties, as well as multi-county and regional projects for the respective county target. Letters should describe the CTA's process to identify and prioritize projects for this competitive grant opportunity. CTAs should also list, in narrative form or in a table, the projects being nominated, along with brief project descriptions and the amount of funds requested for each project.

Attached to the project nomination letters, CTAs must also provide completed project information forms for each project (**Attachment 2**).

In addition to these materials required to be submitted directly by the CTAs, project sponsors must submit a Complete Streets checklist for each nominated project into MTC's Complete Streets Database: <https://completestreets.mtc.ca.gov/>.

Nomination letters, project information forms, and Complete Streets checklists must be submitted no later than Tuesday, March 30, 2021. Nomination letters and project information forms should be sent to Mallory Atkinson at matkinson@bayareametro.gov. Complete Streets checklists should be uploaded directly into the online database, linked above.

Project Evaluation & Final Project Applications

In April, MTC staff will evaluate project nominations using the established program criteria, funding eligibility, and focus areas. Staff will consider each CTA's nominations independently as well as in relation to other county submissions and regional priorities to develop its initial funding proposal. Staff will share its initial funding proposal with the Bay Area Partnership Board for discussion and feedback.

CTAs and project sponsors will be notified of MTC staff's funding recommendation by May 3, 2021. Project sponsors recommended for funding must submit the final application materials to MTC by May 21, 2021.

Final application materials include:

- ❖ Project submission in MTC's Financial Management System (FMS) <https://fms.mtc.ca.gov/fms/home.ds>, which will include detailed information on project scope, funding, and performance metrics.
- ❖ Written response to any remaining project-specific questions from MTC's evaluation team.
- ❖ Project map with sufficient detail to clearly identify the location and extent of the project.
- ❖ A signed Local Agency Compliance Checklist (**Attachment 3**). CTAs and local agencies should review this checklist carefully. Although these requirements were included in the OBAG 2 County Program, additional actions will be required for sponsors to satisfy the requirements for the Safe & Seamless grant program. These requirements include a review of the project's Complete Streets checklist by the appropriate Bicycle and Pedestrian Advisory Council, submission of the Housing Element annual progress report for 2020, and adoption of a Resolution of Local Support for the project. In addition, sponsors that have not yet adopted a resolution affirming compliance with California's Surplus Lands Act must now do so. This final requirement will primarily affect charter cities, which were not required to adopt such a resolution at the time of the OBAG 2 County Program adoption.

Please note that project sponsors have only *two weeks* to submit the final required materials to MTC. To meet this aggressive timeline, project sponsors are encouraged to submit their project into FMS in advance of being notified of MTC staff's funding recommendation. Additionally, sponsors should seek early Council or Board approvals of the resolutions required in the Local Agency Compliance Checklist.

The responses to project-specific questions, project maps, and the completed Local Agency Compliance Checklist must be submitted no later than Friday, May 21, 2021. Project data should be uploaded directly into FMS, linked above. Responses to project questions, project maps, and checklists should be sent to Mallory Atkinson at matkinson@bayareametro.gov.

Program Approval

Staff anticipates presenting its recommended program of projects to the MTC Commission for consideration and approval at its June 2021 meeting.

Sincerely,



Theresa Romell
Funding Policy and Programs

Attachments

Attachment 1: Safe & Seamless Mobility Quick-Strike Program – MTC Resolution No. 4202,
Revised, Appendix A-11

Attachment 2: Project Information Form

Attachment 3: Local Agency Compliance Checklist

TR:MA

<J:\PROJECT\Funding\T5-FAST\STP-CMAO\FHIP - STP-Bump\Safe & Seamless Quick-Strike>

Appendix A-11: Safe and Seamless Mobility Quick-Strike Program

The Safe and Seamless Mobility Quick-Strike program is a one-time, competitive grant program within the One Bay Area Grant program (OBAG 2) framework. Federal funding is available to support local and regional projects that can be implemented quickly to benefit communities responding and adapting to the COVID-19 environment.

Available funding includes a mix of Surface Transportation Block Grant Program (STP), Congestion Mitigation and Air Quality Improvement (CMAQ) and Federal Highway Infrastructure Program (FHIP) funds, with FHIP funds exchanged with STP/CMAQ funds to the extent possible to meet federal other funding deadlines and requirements. CMAQ funds will be used for eligible projects that demonstrate air quality benefits and implement Plan Bay Area's climate initiative goals and priorities.

Project Eligibility & Focus Areas

The program emphasizes bicycle/pedestrian safety and mobility, connections to transit, and projects that advance equitable mobility. Eligible project types include:

- Quick-build bike, pedestrian, and transit improvements; including bike share enhancements.
- Local safe and seamless mobility projects, including projects that advance equitable mobility; invest in bicycle/pedestrian safety; improve connections to transit; or implement seamless strategies within a corridor.
- In addition to capital projects, programs that support safe and seamless mobility or advance equitable mobility are also eligible (ex. safe routes to school/transit programs); a limited amount of funding, (up to \$200,000 per county) may also be directed towards countywide implementation of safe and seamless mobility planning and programming efforts).
- Other near-term implementation of strategies emerging from the Blue-Ribbon Transit Recovery Task Force and Partnership Board's Connected Mobility Subcommittee.

Fund commitments for specific focus areas include:

- One-quarter of the total program is targeted for bicycle/pedestrian safety (including local road safety).
- \$5 million is set aside to support early implementation efforts anticipated from the Blue-Ribbon Transit Recovery Task Force.

Evaluation Criteria

MTC staff will evaluate nominated projects against the following program criteria.

Nominated projects should:

- Align with Connected Mobility Framework Values and Goals (see inset below)
- Be the direct result or outcome of a community engagement process
- Be within or directly connected to a Priority Development Area (PDA) or Transportation Priority Area (TPA) and/or serve a Community of Concern (CoC), Community Air Risk Evaluation (CARE) program area, or similar local designation. PDAs and TPAs may be existing or recently designated as part of the Plan Bay Area 2050 growth framework.
- Addresses transit connectivity gaps, especially in areas significantly impacted from the pandemic

- Demonstrate partnership among jurisdictions, transit agencies, and counties.
- Demonstrate ability to quickly deliver, and meet federal funding requirements, as funds must be obligated by September 30, 2022.

To ensure consistency with the implementation of county and regional plans and priorities, as well as encourage discussion and coordination in developing investment proposals, projects co-nominated by MTC and a CTA will be given extra consideration if meeting regional goals and priorities.

Below are the regional connected mobility values and goals guiding these investments:

CONNECTED MOBILITY VALUES AND GOALS	
Values	Goals
Think Regionally Act Locally	Be coordinated, interconnected, and contiguous
Provide Great Travel Choices	Provide choices that are better than driving alone, are viable and intuitive for all trips
Put the Traveler First	Ensure a dignified traveler experience, focusing on customer care and needs
Be Equitable & Inclusive	Address disparities and be transparent for all people and all trips
Be Sustainable	Strive for a healthy planet, people, and full-cost accounting

Project Nominations

To address local needs throughout the region, and encourage community-based project investments, each County Transportation Agency (CTA) will act on MTC’s behalf and submit project nominations for their county area. County targets have been provided as a guide, for each county (see table at right). However, final project selection by MTC will not necessarily adhere to these targets. Target amounts are based on the OBAG 2 county program distribution.

In addition to county submissions, MTC may consider projects that would be implemented regionwide or in more than one county. Where applicable, MTC staff will work with CTAs to coordinate on co-nominations for regional projects.

As the final program of projects must reflect regional or multi-county priorities, in addition to local priorities within each county, the final programming per county will not correspond exactly to nomination targets.

To ensure each county is provided sufficient funding to have a meaningful community impact, each county’s nomination target will be a minimum of \$1 million.

County Nomination Targets (\$ millions, rounded)

	%
Alameda	19.9%
Contra Costa	14.6%
Marin	2.8%
Napa	2.1%
San Francisco	12.5%
San Mateo	8.4%
Santa Clara	27.0%
Solano	5.5%
Sonoma	7.2%
	100.0%

Note: Final project selection and fund programming will not correspond exactly to nomination targets.

Project Selection Process

The prioritization process is designed to quickly distribute funds to competitive and impactful investments throughout the region.

- **Letters of Interest:** County Transportation Agencies (CTAs) submit Letters of Interest to nominate projects within their counties. In addition to basic project information (project description, sponsor, total cost, funding request), submittals should also describe how the project meets the program eligibility requirements and evaluation criteria, and how well the proposed project sponsor meets state and federal funding requirements.
- **Evaluation:** MTC staff evaluate CTA nominations as well as regional program considerations to develop a recommended program of projects. Program recommendations presented to Bay Area Partnership Board for review and discussion.
- **Project Applications:** MTC and CTA staff work with project sponsors to submit project applications with a detailed scope, delivery schedule, and funding plan.
- **Program Approval:** MTC Commission consideration and approval of projects and fund programming.

Programming Policies and Requirements

Unless otherwise noted within these guidelines, OBAG 2 General Programming Policies (see MTC Resolution No. 4202, Attachment A, pages 6-11), and Regional Project Funding Delivery Policy (MTC Resolution No. 3606) apply.

- **Project sponsors:** Eligible sponsors are those approved by Caltrans to receive FHWA federal-aid funds (including cities, counties, transit agencies, CTAs, and MTC). Sponsors must also have a demonstrated ability to meet timely use of funds deadlines and requirements (see Project Delivery and Monitoring, below).
- **Minimum Grant Size:** Project nominations should be consistent with OBAG 2 minimum grant size requirements per county (\$500,000 grant minimum for counties with population over 1 million, and \$250,000 minimum for all other counties). Final funding awards may deviate from grant minimums per county, should one or more grant awards span multiple counties or regionwide.

Additionally, deviations from the OBAG 2 minimum grant size requirements for project nominations may be considered on a project-by-project basis. However, grant awards must be at least \$100,000.

- **Local Match:** Toll credits may be requested in lieu of non-federal cash match.
- **Supplanting of Funds Prohibited:** Supplanting of existing funds on fully-funded projects is prohibited, as the program is intended to infuse transportation investment into communities responding and adapting to the COVID-19 environment. If funds are

requested to address a funding shortfall on a project due to reduced local revenues, CTAs must demonstrate why the project should be a priority for regional funding, if it was not the highest priority for available local funding. In their nomination, CTAs should describe how the county and local jurisdictions determined which projects are prioritized for reduced local revenues.

- **Project Phases:** The Environmental (ENV), Plans, Specifications and Estimates (PS&E), Preliminary Engineering (PE) and Right Of Way (ROW) phases are eligible for capital projects as long as the construction (CON) phase of the project is delivered and funds obligated by September 30, 2022.

- **Project Delivery and Monitoring:** Project sponsors must have a record of consistently meeting state and federal timely use of funds deadlines and requirements, or demonstrate/identify revised/new internal processes to ensure they will meet funding deadlines and requirements moving forward at the time of project nomination. In addition to the provisions of the Regional Project Funding Delivery Policy (MTC Resolution No. 3606), the following specific funding deadlines/requirements apply:
 - Funds must be obligated (authorized in a federal E-76, or transferred to FTA) no later than September 30, 2022.
 - Funds must be encumbered or awarded in a contract within 6 months of federal obligation.
 - Funds must be invoiced against within 3 months of encumbrance/award and invoiced against and receive a federal reimbursement quarterly thereafter.
 - If there could be complications with invoicing against the construction phase within 9 months of federal obligation, then the sponsor should consider including Construction Engineering (CE) in the federal obligation so that eligible costs may be invoiced in order to meet the invoicing deadline.
 - Project sponsor must meet all other timely use of funds deadlines and requirements, for all other state and federal transportation funds received by the agency, during the duration of project implementation (such as, but not limited to, project award, federal invoicing, and project reporting).
 - To help ensure compliance with state and federal invoicing requirements, as part of the application submittal, the Finance/Accounting Manager/Director for the agency receiving the funds must provide written documentation on the agency's internal process and procedures for complying with FHWA federal-aid timely use of funds requirements, especially with regards to meeting federal invoicing requirements.
 - CTAs nominating successful projects must monitor the project sponsors within their respective county in meeting the timely use of funds deadline requirements in MTC Resolution No. 3606 and report quarterly to MTC on the agency's status in meeting regional, state, and federal timely use of funds deadlines and requirements.

- **Additional Requirements Apply:**
 - Project sponsor must comply with MTC's Complete Street Policy and submit a Complete Streets Checklist for the project.

- Project sponsor must adopt a Resolution of Local Support prior to adding the project into the Transportation Improvement Program (TIP).
- Project sponsor must satisfy the OBAG 2 housing policy requirements – have a certified Housing Element, submit the Annual Progress Report for the Housing Element, and have adopted a resolution affirming compliance with the California Surplus Lands Act.
- CTAs must make each project's Complete Streets Checklist available for review by the appropriate Bicycle and Pedestrian Advisory Committee (BPAC) prior to MTC Commission approval of projects and fund programming. Documentation this has occurred must be included with the project application.



Basic Project Information	
Project Name:	<i>Project name</i>
Project Sponsor:	<i>Project sponsor</i>
Sponsor Contact Information:	<i>Contact name</i>
	<i>Contact phone</i>
	<i>Contact email</i>
Project Location:	<i>Project location</i>
Brief Project Description: Please limit to 100 word maximum	<i>Project description</i>
Program Focus Areas & Evaluation Criteria	
Program Focus Areas:	<p>Identify the type of project to be completed. Select all that apply:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Quick-build bicycle and/or pedestrian improvement <input type="checkbox"/> Quick-build transit improvement <input type="checkbox"/> Bike share enhancement <input type="checkbox"/> Bicycle and/or pedestrian safety improvement <input type="checkbox"/> Local safe & seamless mobility improvement <input type="checkbox"/> Safe & seamless mobility improvement in a corridor <ul style="list-style-type: none"> <input type="checkbox"/> Improved connections to transit <input type="checkbox"/> Programming to support safe and seamless mobility <input type="checkbox"/> CTA planning or programming to support safe and seamless mobility <input type="checkbox"/> Other project type consistent with the Blue-Ribbon Transit Recovery Task Force or the Partnership Board’s Connected Mobility Framework
Priority Planning Areas:	<p>Identify the location of the project to be completed in relation to the following prioritized geographies. Select all that apply:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Priority Development Area (PDA) <input type="checkbox"/> Transit Priority Area (TPA) <input type="checkbox"/> Community of Concern (COC) <input type="checkbox"/> Community Air Risk Evaluation (CARE) community <input type="checkbox"/> Other project area – for a project that is not located in the above areas, please describe how this project advances safe and seamless mobility for populations that are low-income or that have been historically-disadvantaged <p><i>Describe how project located outside of a PDA, TPA, COC, or CARE advances equitable mobility</i></p>
Connected Mobility Framework: Please limit to 200 word maximum	<p>Describe how the project aligns with the values & goals of the Partnership Board’s Connected Mobility Framework:</p> <p><i>Project alignment with Connected Mobility Framework</i></p>
Community Engagement & Planning Processes:	<p>Describe the community outreach that has been completed related to this project, and also reference any local or regional plans in which this project is included (e.g.</p>



<p>Please limit to 200 word maximum</p>	<p>community-based transportation plan, station area or specific plans, bicycle or pedestrian plans, etc.):</p> <p><i>Community engagement & planning processes</i></p> <p>Describe the outreach that has been completed with transit operators to ensure the project does not conflict with existing or planned transit service:</p> <p><i>Coordination and outreach with transit operators</i></p>
<p>Transit Connectivity: Please limit to 100 word maximum</p>	<p>Describe how this project addresses a gap in transit connectivity, particularly in areas significantly impacted from pandemic:</p> <p><i>Transit connectivity</i></p>
<p>Project Partnerships: Indicate if project is anticipated to be co-nominated by MTC</p>	<p>Describe any partnerships in place for this project (jurisdictions, CTAs, transit agencies, community groups, etc.):</p> <p><i>Project partnerships</i></p> <p><input type="checkbox"/> Project is co-nominated by MTC.</p>
<p>Project Readiness: Please limit to 100 word maximum</p>	<p>Describe the readiness of the project, including right-of-way impacts, the type of environmental document/clearance required, and consistency with Plan Bay Area 2040.</p> <p><i>Project readiness, right-of-way, environment</i></p> <p>If the project touches Caltrans right-of-way, include the status and timeline of the necessary Caltrans approvals and documents, the status and timeline of Caltrans requirements, and approvals such as planning documents (PSR or equivalent) environmental approval, encroachment permit. Also, include a statement of Caltrans' level of support for the project.</p> <p><i>Caltrans approvals status and timeline; level of support</i></p>
<p>Deliverability: Please limit to 200 word maximum, or include as attachment</p>	<p>Describe the project's timeline and status, as well as the sponsor's ability to meet the September 30, 2022 obligation deadline.</p> <p><i>Project timeline, status, and obligation deadline</i></p> <p>Identify any known risks to the project schedule, and how the CTA and project sponsor will mitigate and respond to those risks.</p> <p><i>Project risks and mitigation strategies</i></p> <p>Describe the sponsor's ability to meet state and federal requirements after fund obligation. Include confirmation of ability to award within 6 months of obligation and a discussion of the agency's delivery history for federal funds; note any documented internal processes in place to ensure full adherence to invoicing and timely use of funds policies, and describe CTA's role in delivery and monitoring.</p> <p><i>Project sponsor ability to meet delivery and monitoring requirements</i></p>

Safe & Seamless Mobility Quick-Strike Grant

CTA Nominations – Project Information Form



Fund exchange:	<input type="checkbox"/> Project involves a local fund exchange. If yes, please describe. Clarify which project will receive federal funds directly, which project will receive non-federal funds, and the timing of both projects. <i>Fund exchange description</i>
Grant minimum:	<input type="checkbox"/> Project does not meet the minimum grant size requirement. If yes, describe why an exception to this requirement should be considered. <i>Exception request to minimum grant size</i>
Supplanting of existing funds:	<input type="checkbox"/> Grant funds would supplant existing funds previously programmed to the project. If yes, describe why an exception to this requirement should be considered. If funds are requested to address a funding shortfall on a project due to reduced local revenues, describe how the county and/or local jurisdiction(s) determined which projects should be prioritized for the use of the remaining local revenues. Response should demonstrate why the project should be prioritized for regional funding if it was not the highest priority for local funding. <i>Exception request to fund supplanting requirement</i>
Toll credit request:	<input type="checkbox"/> Toll credits are requested; no local match is provided. <i>Notes on toll credit request, optional</i>



Project Cost & Funding

Project Cost & Status:

Phase	Total Cost	Fund Source by Phase			Project Status by Phase
		Safe & Seamless (Grant Request)	Other Funds		% Complete
Planning/ Conceptual	\$	\$	\$	Fund source; notes	% complete
Environmental Studies (PA&ED)	\$	\$	\$	Fund source; notes	% complete
Design Engineering (PS&E)	\$	\$	\$	Fund source; notes	% complete
Right-of-way	\$	\$	\$	Fund source; notes	% complete
Construction	\$	\$	\$	Fund source; notes	% complete
Total	\$	\$	\$		

Project Investment by Mode:

Mode	Share of project investment
Auto	%
Transit	%
Bicycle/Pedestrian	%
Other	%
Total	100%



Local Compliance Checklist	
Jurisdiction:	<i>Local jurisdiction</i>
MTC's Complete Streets Policy:	<p><input type="checkbox"/> Jurisdiction complies with MTC's Complete Street Policy, either by:</p> <ol style="list-style-type: none"> 1. Adopting a Complete Streets resolution incorporating MTC's nine required complete streets elements; or 2. Adopting a significant revision to the General Plan Circulation Element after January 1, 2010 that complies with the California Complete Streets Act of 2008. <p><input type="checkbox"/> Complete Streets checklist for project was reviewed by the appropriate Bicycle and Pedestrian Advisory Committee (BPAC) prior to May 21, 2021. Provide the date of BPAC review, describe any comments that were received, and the jurisdiction's response to feedback.</p> <p style="text-align: center;"><i>Date of BPAC review & discussion of BPAC comments</i></p>
Resolution of Local Support:	<input type="checkbox"/> Jurisdiction has adopted a Resolution of Local Support by May 21, 2021.
Housing Element:	<p><input type="checkbox"/> Jurisdiction's Housing Element has been certified by California Department of Housing and Community Development (HCD). Note: all Bay Area jurisdictions satisfied this requirement prior to the One Bay Area Grant (OBAG 2) County Program adoption.</p> <p><input type="checkbox"/> Jurisdiction's Housing Element annual progress report for calendar year 2020 has been submitted to HCD.</p>
Surplus Lands Act:	<p><input type="checkbox"/> Jurisdiction has met MTC's Surplus Land Requirements prior to May 21, 2021, through the adoption of a resolution demonstrating compliance with the State's Surplus Land Act.</p> <p><u>Note for Charter Cities:</u> At the time of the adoption of the OBAG 2 County Program, this requirement applied only to general law cities and counties. However, as a final court decision has now been rendered confirming that the Act does apply to charter cities, funding eligibility through the Safe & Seamless Mobility Quick-Strike program is contingent upon the adoption, by <i>all</i> cities and counties, of a resolution affirming the jurisdiction's compliance with the Surplus Lands Act.</p>

This checklist was approved for submission by:

Signature

Date

Signature

Date

Name (print)

City Manager/Administrator or designee

This page intentionally left blank

2022 Comprehensive Investment Plan Applications Received, 2/1/21**Sort by Sponsor**

No.	Organization Name	Application Title	Amount Requested	Total Project Cost	Sponsor Priority	Project Category
1	Alameda County Public Works Agency	Mission Boulevard Phase III Corridor Improvements	\$ 1,950,000	\$ 30,943,000	1	Bike/Pedestrian Capital Project
2	Alameda County Public Works Agency	East Lewelling Blvd Streetscape Improvements Phase II	\$ 1,950,000	\$ 9,233,000	2	Bike/Pedestrian Capital Project
3	Alameda County Public Works Agency	Anita Avenue Streetscape Improvements	\$ 2,000,000	\$ 5,550,000	3	Bike/Pedestrian Capital Project
4	Alameda-Contra Costa Transit District	Quick Builds	\$ 954,000	\$ 1,272,000	1	Transit-related Capital Project
5	Alameda-Contra Costa Transit District	Oakland Traffic Management Center	\$ 375,000	\$ 500,000	2	Transit-related Capital Project
6	Alameda-Contra Costa Transit District	Tempo Quick Build Transit Lane Delineation	\$ 300,000	\$ 400,000	3	Transit-related Capital Project
7	City of Alameda	Cross Alameda Trail Gap-Closing Connectors	\$ 292,000	\$ 450,000	1	Bike/Pedestrian Capital Project
8	City of Albany	Lower Codornices Creek Restoration Project Phase IV	\$ 825,084	\$ 1,445,603	1	Bike/Pedestrian Capital Project
9	City of Berkeley	Ohlone Greenway Modernization & Safety	\$ 1,271,000	\$ 1,696,000	1	Bike/Pedestrian Capital Project
10	City of Berkeley	Adeline Street Transportation Improvements	\$ 495,000	\$ 660,000	2	Bike/Pedestrian Capital Project
11	City of Berkeley	Telegraph Avenue Multimodal Corridor	\$ 290,000	\$ 460,000	3	Transit-related Capital Project
12	City of Dublin	Downtown Dublin Streetscape Plan Implementation	\$ 267,040	\$ 356,054	1	Bike/Pedestrian Capital Project
13	City of Dublin	Safe Routes to School Improvements Dublin	\$ 2,000,000	\$ 5,311,228	2	Bike/Pedestrian Capital Project
14	City of Dublin	Tassajara Rd Widening from N. Dublin Ranch Drive to City Limit	\$ 1,995,040	\$ 8,216,000	3	Bike/Pedestrian Capital Project
15	City of Emeryville	Emery Go-Round Operating Expenses (FY2022-FY2026)	\$ 2,000,000	\$ 21,635,086	1	Shuttle Operations
16	City of Emeryville	40th Street Transit-Only Lanes and Multimodal Enhancements	\$ 2,000,000	\$ 16,803,000	2	Transit-related Capital Project
17	City of Emeryville	Village Greens and Greenways Program Shared Doyle Street (Phase 3)	\$ 385,000	\$ 385,000	3	Bike/Pedestrian Capital Project
18	City of Fremont	Fremont Boulevard/Walnut Avenue Protected Intersection Project	\$ 1,271,000	\$ 1,865,000	1	Bike/Pedestrian Capital Project
19	City of Fremont	Fremont Boulevard/Grimmer Boulevard Improvement Project	\$ 1,415,000	\$ 2,124,000	2	Bike/Pedestrian Capital Project
20	City of Fremont	East Bay Greenway Trail Study (City of Fremont)	\$ 100,000	\$ 200,000	3	Plan/Study
21	City of Livermore	First and Scott Street Crossing Improvements	\$ 292,500	\$ 390,000	1	Bike/Pedestrian Capital Project
22	City of Livermore	Robertson Park/Concannon and Epsom/Concannon Crossing Improvements	\$ 322,500	\$ 430,000	2	Bike/Pedestrian Capital Project
23	City of Newark	Cherry Street Class IV Separated Bikeways	\$ 453,000	\$ 755,000	1	Bike/Pedestrian Capital Project
24	City of Oakland	West Oakland Transit Improvements	\$ 1,924,000	\$ 2,697,000	1	Transit-related Capital Project
25	City of Oakland	14th Street Complete Streets Project	\$ 1,000,000	\$ 14,031,998	2	Bike/Pedestrian Capital Project
26	City of Oakland	East Bay Greenway Segment II	\$ 1,000,000	\$ 5,740,000	3	Bike/Pedestrian Capital Project
27	City of Pleasanton	West Las Positas Bikeway Improvements (Phase 1 and 2)	\$ 867,000	\$ 1,156,000	1	Bike/Pedestrian Capital Project
28	City of San Leandro	Class IV Protected Bike Lanes on Hesperian Blvd and Fairmont Dr	\$ 1,479,000	\$ 1,983,000	1	Bike/Pedestrian Capital Project
29	City of San Leandro	MacArthur Boulevard Roundabout, Streetscape, and Park & Ride	\$ 1,500,000	\$ 3,613,000	2	Bike/Pedestrian Capital Project
30	City of San Leandro	LINKS Shuttle	\$ 1,180,000	\$ 4,232,000	3	Shuttle Operations
31	City of Union City - Union City Transit	Union City Electric Bus Infrastructure	\$ 1,500,000	\$ 2,000,000	1	Transit-related Capital Project
32	Livermore Amador Valley Transit Authority	Atlantis O&M Facility Bridging Documents	\$ 541,000	\$ 902,000	1	Transit-related Capital Project
33	Livermore Amador Valley Transit Authority	Passenger Facilities Enhancements	\$ 2,000,000	\$ 2,918,000	2	Transit-related Capital Project
34	San Joaquin Regional Rail Commission	Newark-Albrae Siding Connection Project	\$ 2,000,000	\$ 9,800,000	1	Transit-related Capital Project
35	University of California, Berkeley	Ultra Light Rail Freight and Transit Feasibility Study	\$ 100,000	\$ 200,000	1	Plan/Study

TOTAL **\$ 38,294,164** **\$ 160,352,969**

2022 Comprehensive Investment Plan Applications Received, 2/1/21

Sort by Category

No.	Organization Name	Application Title	Amount Requested	Total Project Cost	Sponsor Priority
Bike/Pedestrian Capital Project					
1	Alameda County Public Works Agency	Mission Boulevard Phase III Corridor Improvements	\$ 1,950,000	\$ 30,943,000	1
2	Alameda County Public Works Agency	East Lewelling Blvd Streetscape Improvements Phase II	\$ 1,950,000	\$ 9,233,000	2
3	Alameda County Public Works Agency	Anita Avenue Streetscape Improvements	\$ 2,000,000	\$ 5,550,000	3
4	City of Alameda	Cross Alameda Trail Gap-Closing Connectors	\$ 292,000	\$ 450,000	1
5	City of Albany	Lower Codornices Creek Restoration Project Phase IV	\$ 825,084	\$ 1,445,603	1
6	City of Berkeley	Ohlone Greenway Modernization & Safety	\$ 1,271,000	\$ 1,696,000	1
7	City of Berkeley	Adeline Street Transportation Improvements	\$ 495,000	\$ 660,000	2
8	City of Dublin	Downtown Dublin Streetscape Plan Implementation	\$ 267,040	\$ 356,054	1
9	City of Dublin	Safe Routes to School Improvements Dublin	\$ 2,000,000	\$ 5,311,228	2
10	City of Dublin	Tassajara Rd Widening from N. Dublin Ranch Drive to City Limit	\$ 1,995,040	\$ 8,216,000	3
11	City of Emeryville	Village Greens and Greenways Program Shared Doyle Street (Phase 3)	\$ 385,000	\$ 385,000	3
12	City of Fremont	Fremont Boulevard/Walnut Avenue Protected Intersection Project	\$ 1,271,000	\$ 1,865,000	1
13	City of Fremont	Fremont Boulevard/Grimmer Boulevard Improvement Project	\$ 1,415,000	\$ 2,124,000	2
14	City of Livermore	First and Scott Street Crossing Improvements	\$ 292,500	\$ 390,000	1
15	City of Livermore	Robertson Park/Concannon and Epsom/Concannon Crossing Improvements	\$ 322,500	\$ 430,000	2
16	City of Newark	Cherry Street Class IV Separated Bikeways	\$ 453,000	\$ 755,000	1
17	City of Oakland	14th Street Complete Streets Project	\$ 1,000,000	\$ 14,031,998	2
18	City of Oakland	East Bay Greenway Segment II	\$ 1,000,000	\$ 5,740,000	3
19	City of Pleasanton	West Las Positas Bikeway Improvements (Phase 1 and 2)	\$ 867,000	\$ 1,156,000	1
20	City of San Leandro	Class IV Protected Bike Lanes on Hesperian Boulevard and on Fairmont Drive	\$ 1,479,000	\$ 1,983,000	1
21	City of San Leandro	MacArthur Boulevard Roundabout, Streetscape, and Park & Ride	\$ 1,500,000	\$ 3,613,000	2
Subtotal			\$ 23,030,164	\$ 96,333,883	
Plans and Study					
1	City of Fremont	East Bay Greenway Trail Study (City of Fremont)	\$ 100,000	\$ 200,000	3
2	University of California, Berkeley	Ultra Light Rail Freight and Transit Feasibility Study	\$ 100,000	\$ 200,000	1
Subtotal			\$ 200,000	\$ 400,000	
Shuttle Operations					
1	City of Emeryville	Emery Go-Round Operating Expenses (FY2022-FY2026)	\$ 2,000,000	\$ 21,635,086	1
2	City of San Leandro	LINKS Shuttle	\$ 1,180,000	\$ 4,232,000	3
Subtotal			\$ 3,180,000	\$ 25,867,086	
Transit Capital					
1	Alameda-Contra Costa Transit District	Quick Builds	\$ 954,000	\$ 1,272,000	1
2	Alameda-Contra Costa Transit District	Oakland Traffic Management Center	\$ 375,000	\$ 500,000	2
3	Alameda-Contra Costa Transit District	Tempo Quick Build Transit Lane Delineation	\$ 300,000	\$ 400,000	3
4	City of Berkeley	Telegraph Avenue Multimodal Corridor	\$ 290,000	\$ 460,000	3
5	City of Emeryville	40th Street Transit-Only Lanes and Multimodal Enhancements	\$ 2,000,000	\$ 16,803,000	2
6	City of Oakland	West Oakland Transit Improvements	\$ 1,924,000	\$ 2,697,000	1
7	City of Union City - Union City Transit	Union City Electric Bus Infrastructure	\$ 1,500,000	\$ 2,000,000	1
8	Livermore Amador Valley Transit Authority	Atlantis O&M Facility Bridging Documents	\$ 541,000	\$ 902,000	1
9	Livermore Amador Valley Transit Authority	Passenger Facilities Enhancements	\$ 2,000,000	\$ 2,918,000	2
10	San Joaquin Regional Rail Commission	Newark-Albrae Siding Connection Project	\$ 2,000,000	\$ 9,800,000	1
Subtotal			\$ 11,884,000	\$ 37,752,000	
TOTAL			\$ 38,294,164	\$ 160,352,969	



DATE: February 25, 2021

TO: Alameda County Technical Advisory Committee

FROM: Seung Cho, Director of Procurement and Information Technology

SUBJECT: Local Business Contract Equity (LBCE) Program Updates and Information for Alameda CTC Project Sponsors

Recommendation

This item is to provide the Alameda County Technical Advisory Committee with information on the Alameda CTC Local Business Contract Equity (LBCE) Program requirements and procedures. This is an informational item only.

Summary

This report is intended to provide Alameda CTC Project Sponsors with clear, updated information regarding the LBCE Program requirements and procedures. This information will enhance Project Sponsor understanding of the Program, their roles and responsibilities, program procedures and requirements, and Alameda CTC's expectations, resulting in improved LBCE program operations, increased compliance with program requirements, and augmented ability to deliver contracting opportunities to local, small local, and very small local Alameda County firms.

Background

The LBCE Program originated in 1995 during the time of the 1986 Measure B program with a goal of ensuring participation by local businesses, as well as minority- and women-owned businesses. It was modified over the years to reflect changes in statutes and court rulings associated with contract equity issues at both the state and federal levels. The current version of the LBCE Program was first adopted in January 2008 after an extensive public process addressing concerns of the public and the Alameda County Transportation Authority and Alameda County Transportation Improvement Authority boards at the time. After the merger of the predecessor agencies and formation of Alameda CTC, an updated version of the program was adopted again formally by the Commission in October 2013, with the same purpose and goals of encouraging businesses of all sizes to locate and remain in Alameda County and to spend their funds for goods and services within Alameda County.

In December 2017, the Commission approved administrative updates to the program to ensure alignment with the program standards of partners and other public agencies, and to comply with applicable federal, state, and local statutes. These updates included extending LBCE Program applicability to 2010 Measure F Vehicle Registration Fees and 2014 Measure BB sales tax funds; adjusting LBCE small business size standard to align with federal, state, and local agencies; and adding a 30% Very Small Local Business Enterprise goal on small purchase professional services contracts with a value greater than \$25,000 and equal to or less than \$75,000.

Fiscal Impact: There is no fiscal impact. This is an information item only.

Attachments:

- A. LBCE Program Policy
- B. PowerPoint Presentation: Alameda CTC Local Business Contract Equity Program Updates and Information for Project Sponsors
- C. Procurement Process: Professional Services
- D. Sample Program Compliance Language: Professional Services
- E. Procurement Process: Construction
- F. Sample Program Compliance Language: Construction



ALAMEDA COUNTY TRANSPORTATION COMMISSION

LOCAL BUSINESS CONTRACT EQUITY PROGRAM

Adopted December 7, 2017

TABLE OF CONTENTS

TABLE OF CONTENTS	I
SECTION I. POLICY	1
<i>A. Policy Statement</i>	1
<i>B. Background</i>	1
<i>C. Applicability</i>	2
SECTION II. PROGRAM IMPLEMENTATION	2
<i>A. LBE, SLBE and VSLBE Goals and Participation</i>	2
<i>B. Waiver of Goals</i>	4
<i>C. Use of Sponsor Agency Local Business Preference Program</i>	4
<i>D. Certification</i>	4
<i>E. Status Monitoring and Reporting</i>	7
<i>F. Program Compliance</i>	8
<i>G. Program Outreach</i>	8
SECTION III. REPORTING AND OTHER REQUIREMENTS	9
<i>A. Reporting Requirements</i>	9
<i>B. Records Maintenance</i>	9
<i>C. Prompt Payment</i>	10
<i>D. Penalties and Sanctions</i>	10
<i>E. Program Review</i>	11
<i>F. Severability</i>	11
<i>G. Confidentiality</i>	11
APPENDICES	12
APPENDIX A. DEFINITIONS	13
APPENDIX B. RESPONSIBILITIES OF SPONSOR AGENCIES	17
APPENDIX C. GOOD FAITH EFFORTS FOR CONSTRUCTION CONTRACTS	18
<i>A. Good Faith Efforts Criteria</i>	18
<i>B. Good Faith Efforts Review</i>	19
APPENDIX D. RESPONSIBILITIES OF LBCE LIAISON OFFICER	20

SECTION I. POLICY

A. Policy Statement

The Alameda County Transportation Commission (Alameda CTC) has established this Local Business Contract Equity (LBCE) Program to create economic growth and jobs within Alameda County by requiring local contracting that supports residents and businesses in Alameda County. The LBCE Program helps to identify and engage the participation of Local Business Enterprise (LBE), Small Local Business Enterprise (SLBE) and Very Small Local Business Enterprise (VSLBE) firms located in Alameda County on applicable contracts as specified in **Section I.C** (Applicability).

Further, the LBCE Program contributes to the overall economic vitality of the County by:

1. Encouraging businesses to locate and remain in Alameda County;
2. Providing employment opportunities for residents of Alameda County; and
3. Generating economic activity and stimulating the local economy.

B. Background

The Alameda County Transportation Authority (ACTA) adopted a Local Business and Minority/Woman-Owned Business Enterprise Construction Program in 1995 as part of the first Measure B program. The initial goal of the program was to ensure participation of local firms as well as minority- and women-owned businesses. Over the years, the program evolved to reflect changes in statutes and court rulings associated with contract equity issues at both the state and federal levels.

In 2000 and 2001, ACTA formally adopted an LBE/SLBE Program with the specific purpose of encouraging businesses of all sizes to locate and remain in Alameda County, employ County residents, and spend Measure B funds for goods and services within Alameda County.

In 2007, ACTA and the Alameda County Transportation Improvement Authority (ACTIA), the agency created to administer the 2000 Measure B sales tax, jointly adopted a Local Business Contract Equity Program as a replacement for the earlier LBE/SLBE Program, extending its application to VSLBE firms and incorporating other policy changes designed to improve and facilitate implementation of the program.

In July 2010, Alameda CTC was created by the merger of the Alameda County Congestion Management Agency (ACCMA) and ACTIA, to streamline operations, eliminate redundancies, and save taxpayers' dollars. Alameda CTC is responsible for administering the sales tax Expenditure Plans, including contract oversight, policy direction, financing, investment management, and coordination of projects with regional transit and transportation agencies and other project sponsors, as required.

In November 2010, Alameda County voters approved the Measure F Alameda County Vehicle Registration Fee (VRF) program. The goal of the VRF program is to sustain the county's transportation network and reduce traffic congestion and vehicle-related pollution.

In November 2014, Alameda County voters approved Measure BB, augmenting and extending the existing transportation sales tax to fund implementation of a 30-year Transportation Expenditure Plan through 2045.

The funds produced by Measure B, Measure BB and the VRF provide significant dollars in transportation-related contracts for Alameda County-based firms. It is Alameda CTC's objective to identify and include qualified Alameda County-based businesses in the purchases of goods and

services required by the Alameda CTC and its Sponsor Agencies for area-wide transportation capital projects, local streets and roads, mass transit projects, bicycle and pedestrian safety, special transportation for seniors and people with disabilities, and other programs included in the Transportation Expenditure Plans.

C. Applicability

This LBCE Program applies to contracts in excess of \$25,000, in accordance with both **Paragraphs 1 and 2** below:

1. **Fund Source.** This LBCE Program applies to contracts which are funded either:
 - a. Solely by VRF, Measure B and/or Measure BB funds, or
 - b. In part by VRF, Measure B, and/or Measure BB funds in combination with other local funds.

The LBCE Program does not apply to contracts that include state and/or federal funds.

2. **Contract Type.** This LBCE Program applies to contracts which are either:
 - a. Administered by Alameda CTC, or
 - b. Related to, or in support of, a Sponsor Agency-administered capital project.

The applicable goals are specified in **Section II.A** (LBE, SLBE and VSLBE Goals and Participation).

This LBCE Program is intended to be consistent with the Alameda CTC’s Procurement Policy, which may be updated and approved by the Commission as necessary.

This LBCE Program is neutral as to race, religion, color, ethnicity, national origin, age, sex, physical handicap, sexual orientation, and any other characteristic protected by law.

SECTION II. PROGRAM IMPLEMENTATION

A. LBE, SLBE and VSLBE Goals and Participation

An LBE, SLBE or VSLBE contract goal is a percentage of the total contract amount that is expected to be performed by the firms with the corresponding certification. LBE, SLBE, and VSLBE firms must be certified prior to submission of any bid or proposal to be counted towards meeting the applicable LBE, SLBE, and/or VSLBE goals.

1. Summary of Goals

TABLE 1: SUMMARY OF GOALS

Type of Contract	LBE	SLBE ¹	VSLBE ²
Contract over \$75,000			
Construction	60.0%	20.0%	N/A
Professional Services	70.0%	30.0%	N/A
Contract greater than \$25,000 and equal to or less than \$75,000			
Construction	N/A	N/A	N/A
Professional Services	N/A	N/A	30.0%
1. <i>SLBE participation also counts toward fulfilling the LBE goal.</i>			
2. <i>VSLBE participation also counts toward fulfilling the LBE and SLBE goals.</i>			

2. Applicable Credits for Contract Award

During the selection process for contract award of professional services contracts, the ability to meet or exceed LBE, SLBE and/or VSLBE goals shall yield applicable credits as follows:

- LBE and SLBE Goals: Five percent (5.0%) of the total evaluation points for each goal, for a total of ten percent (10.0%).
- VSLBE Goal: Twenty percent (20.0%) of the total evaluation points.

3. LBE Goals

The LBE goals for contracts over \$75,000 are as follows:

- Sixty percent (60.0%) on construction contracts, and
- Seventy percent (70.0%) on professional services contracts.

Participation of businesses that are certified as LBE, SLBE, or VSLBE count toward fulfilling a LBE contract goal.

The LBE goal for construction contracts can be met through the participation of certified prime and/or subcontractor(s). A bidder that fails to meet the LBE goal on a construction contract shall not be awarded the contract unless the Good Faith Efforts (GFE) requirements are met (see **Appendix C**).

The LBE goal for professional services contracts can be met through the participation of certified prime and/or subcontractor(s). A proposer that fails to meet the LBE goal shall not receive the applicable credit of five percent (5.0%) of the total evaluation points during the selection process.

4. SLBE Goals

The SLBE goals for contracts over \$75,000 are as follows:

- Twenty percent (20.0%) on all construction contracts, and
- Thirty percent (30.0%) on all professional services contracts.

Participation of businesses that are certified as SLBE or VSLBE count toward fulfilling a SLBE contract goal.

The SLBE goal for construction contracts can be met through the participation of certified prime and/or subcontractor(s). A bidder that fails to meet the SLBE goal on a construction contract shall not be awarded the contract unless the GFE requirements are met (see **Appendix C**).

The SLBE goal for professional services contracts can be met through the participation of certified prime and/or subcontractor(s). A proposer that fails to meet the SLBE goal shall not receive the applicable credit of five percent (5.0%) of the total evaluation points during the selection process.

5. VSLBE Goal

The VSLBE goal of thirty percent (30.0%) applies to professional services contracts greater than \$25,000 and equal to or less than \$75,000.

The VSLBE goal can be met through the participation of certified prime and/or subcontractor(s). A proposer that fails to meet the VSLBE goal shall not receive the applicable credit of twenty percent (20.0%) of the total evaluation points during the selection process.

B. Waiver of Goals

In some cases, a request may be made to waive the LBE and/or SLBE goals due to extremely limited subcontracting opportunities for LBE and/or SLBE firms, lack of interested LBE and/or SLBE firms in the geographic area in which work is to be performed, or other reasons. Alameda CTC or the Sponsor Agency may recommend that a contract be advertised without LBE and/or SLBE goals, and such recommendation must be reviewed and approved by the Commission. Before making a recommendation to waive the goals, the following due-diligence steps must be completed:

1. Define the draft scope of work, items of work and estimated value of work items.
2. Review Alameda CTC certification database, and the certification database of partner certifying agencies, for certified businesses that are willing and able to perform the listed items of work.
3. Conduct focused outreach to identify Alameda County businesses, whether certified or eligible for certification, that are willing and able to perform the listed items of work.
4. Post the “Intent to Waive Goals” notice and the description of the draft scope of work and items of work on Alameda CTC’s website at least forty-five (45) calendar days before advertising the contract to allow any LBE, SLBE and/or VSLBE firms to notify Alameda CTC of their interest and ability to perform such work.

If Alameda CTC determines that, after completing the steps listed above, there is an insufficient number of LBE and/or SLBE firms willing and able to perform the items of work, a recommendation shall be submitted to the Commission for permission to advertise without one or both goals. Alameda CTC’s report to the Commission shall contain a detailed description of the steps taken to identify any LBE, SLBE and/or VSLBE firms to perform the items of work.

C. Use of Sponsor Agency Local Business Preference Program

A Sponsor Agency may request to use its own local business preference program in lieu of this LBCE Program if such program has been formally adopted by the Sponsor Agency’s governing body. A Sponsor Agency’s request to use its own local business program must include a copy of the program and evidence of the governing body’s adoption of such program. Substitution of the LBCE Program must be approved in writing by the LBCE Liaison Officer prior to advertisement of the contract.

D. Certification

1. Eligibility

For a business (e.g., non-profit, sole proprietorship, partnership, corporation, or joint venture) to be eligible for certification under this LBCE Program, it must meet or exceed all applicable criteria set forth below:

- **LBE Criteria**

- a. Hold a valid business license issued by Alameda County or a city within Alameda County for at least six (6) months prior to certification date;
- b. Be located and fully operational at a fixed place of business within Alameda County where administrative, clerical, professional, and other productive work is continuously performed relative to its commercial contracts for at least six (6) months prior to the certification date, with two types of evidence of maintaining a working office at such

business address: (1) proof of a prior or current fully executed contract containing such business address, and (2) a lease agreement or proof of ownership of real property for the fixed place of business (a temporary, mobile or virtual office, project work station, telephone answering and/or mail service in an office suite, post office box or address, etc., do not constitute a fixed place of business location);

- c. Have a minimum of one full-time equivalent employee staffing the Alameda County office, if the business has one or more offices located outside of Alameda County;
 - d. Be bona fide with real and continuing business activities and ownership interests which are not created merely for the purpose of meeting the objectives of the LBCE Program; and
 - e. Be economically independent, perform commercially useful functions, and have a customer base (a business acting as a passive conduit rather than contributing a value added or actual portion of the work performed does not qualify for certification).
- **SLBE Criteria**
 - a. Meet all LBE Criteria; and
 - b. Have annual gross revenue, averaged over the most recent three (3) tax years, that does not exceed the current small business size standard for its principal business activity code as established by the U.S. Small Business Administration (SBA) and available on the SBA website.
 - **VSLBE Criteria**
 - a. Meet all SLBE Criteria; and
 - b. Have annual gross revenue, averaged over the most recent three (3) tax years, that does not exceed \$3,500,000.

2. Certification Process

Businesses must submit a valid and complete application, with all required forms and documentation, in accordance with application instructions. Alameda CTC may conduct a site visit before certifying the firm, and at any time during the term of the certification as it may be extended. The application processing period is approximately thirty (30) calendar days from the date a valid and complete application is received by Alameda CTC. Alameda CTC certifications shall be valid for up to two (2) years from the last day of the month in which the certification was granted.

3. Recertification Process

Certifications must be renewed biennially by submitting a valid and complete recertification application, with all required forms and documentation, in accordance with application instructions. If a firm's certification lapses, that firm must follow the Certification Process to again be certified under this LBCE Program.

4. Certification Denial Appeals

A firm that is found to be ineligible for certification under the LBCE Program may make a written appeal within ten (10) calendar days of the notice of determination. Written appeals must be addressed to the LBCE Liaison Officer, and must include any evidence that might refute the original finding. The LBCE Liaison Officer will conduct an investigation, and review all records

used in making the determination, along with the written appeal. The LBCE Liaison Officer will present findings and make a recommendation to the Executive Director for action. The Executive Director will render a final determination within thirty (30) calendar days of receiving the appeal, and such determination shall be final.

5. Status Changes

A firm that no longer meets the certification requirements will be subject to decertification. Changes to eligibility criteria may result in status changes from one certification category to another. Alameda CTC shall inform such firms of any such changes to status or decertification. A certified firm shall promptly notify Alameda CTC in writing of any change in circumstances affecting such firm's ability to meet size, certification status, ownership, or control requirements or any material change in the information provided in its application form.

6. Investigations of Any Challenges to LBE, SLBE, or VSLBE Status

Alameda CTC may investigate any written communications challenging the validity of a certification status of a business. The communication must clearly outline the reason(s), and include any evidence, on which the validity of a certification is questioned. If an investigation determines that a firm was properly certified but is no longer eligible, Alameda CTC will adjust or cancel the certification pursuant to the Status Changes provisions above. Any firm determined to have knowingly made, used, or caused to be made or used a false record, information or statement to secure its status as an LBE, SLBE or VSLBE will be decertified and sanctions will be imposed. Sanctions may include, but are not limited to:

- a. Banning of the business from bidding, working or providing goods and services on all Alameda CTC contracts for a period of three (3) years;
- b. Ineligibility, if applicable, as an LBE, SLBE, and VSLBE for the purposes of all contracts projects, and programs, including subcontracting and joint ventures, under this LBCE Program for a period of three (3) years;
- c. Referral of the matter to legal counsel for determination as to refer complaint to the District Attorney for criminal prosecution; and
- d. Any other penalty available by law or in equity.

Any violations found after awarding a contract will be considered a material breach of contract and Alameda CTC may, at its option, consider the contract null and void; recover any and all damages; and immediately implement penalties. Alameda CTC shall inform such firms, and may advise partner certifying agencies of any status changes, including decertification and debarment.

7. Decertification Appeals

If a firm disputes a certification status change or decertification following an investigation, that firm may appeal the finding by submitting a written appeal within ten (10) calendar days after Alameda CTC's issuance of the notice of the results of the investigation. Written appeals must be addressed to the LBCE Liaison Officer, and must include any evidence that might refute the original finding. The LBCE Liaison Officer will review all records used in making the determination, along with the written appeal. The LBCE Liaison Officer will present findings and make a recommendation to the Executive Director for action. If the Executive Director finds that the status change or decertification was valid, the matter will be presented to the Commission for a final determination, and such determination shall be final. If, however, the Executive Director

finds that the appeal is valid, the Executive Director shall rescind the certification status change or decertification.

E. Status Monitoring and Reporting

1. Measurement

Only the value of the work actually performed by LBE, SLBE and/or VSLBE firms will be counted towards the applicable goals. Alameda CTC will count expenditures to LBE, SLBE and/or VSLBE firms when the firm is performing a Commercially Useful Function on that contract. The entire amount of that portion of a contract that is performed by the LBE, SLBE, and/or VSLBE firm’s own workforce will be counted. This includes the cost of equipment, supplies, and materials obtained by the LBE, SLBE and/or VSLBE firms for work on the contract.

Alameda CTC or its Sponsor Agency 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, as well as the credit claimed for its performance of the work, and other relevant factors in determining whether a business is performing a Commercially Useful Function.

When a business is presumed to not be performing a Commercially Useful Function, the business may present evidence to rebut this presumption. Alameda CTC or the Sponsor Agency will make the final determination whether the firm is performing a Commercially Useful Function given the type of work involved, normal industry practices, and the evidence presented.

2. Participation Requirements

When a firm loses or changes its certification status after contract award, the participation of such firm shall continue to count toward the goal(s) based on its certification status as reported at the time of the contract award. However, any additional work given to a firm through a contract amendment after it has lost its certification, shall not count towards the applicable goal.

3. Joint Ventures

For joint ventures, Alameda CTC will count the total participation dollar value (participation ratio times the total project cost) of the LBE, SLBE, and/or VSLBE contract(s) equal to the distinct, clearly defined portion of the work of the contract that the LBE, SLBE, and/or VSLBE performs toward the goals. The participation ratio will be based on the average of LBE, SLBE, and/or VSLBE revenue share and the profit share, if different, attributed to the LBE, SLBE, and/or VSLBE. When a joint venture subcontracts part of the work on its contract to another firm, the value of the subcontracted work may be counted toward the LBE, SLBE, and/or VSLBE goal if the subcontractor(s) are certified as such. Work on subcontracts to non-certified firms do not count toward the LBE, SLBE, and/or VSLBE goals.

The dollar amount of the joint venture to be counted towards the goals for LBE, SLBE and/or VSLBE participation, is calculated using the following formula:

$$\begin{array}{l} \text{Dollar value of} \\ \text{joint venture} \\ \text{contract} \end{array} \quad \mathbf{X} \quad \begin{array}{l} \text{Percent of LBE/SLBE/VSLBE joint} \\ \text{venture financial participation in the} \\ \text{contract} \end{array} \quad = \quad \begin{array}{l} \text{Dollar value of joint} \\ \text{venture contract} \\ \text{applicable to goals} \end{array}$$

Whenever a joint venture involves LBE, SLBE, and/or VSLBE firms, the prime contractor shall provide Alameda CTC with the basis for creation of the joint venture, the responsibilities of each of the parties, and a full account of the LBE, SLBE, and/or VSLBE participation of each of the parties. Such joint venture shall ensure that the participating LBE, SLBE, and/or VSLBE have a commensurate share of the profit or loss to be realized from the joint venture. The agreement establishing the joint venture shall be in writing. Alameda CTC shall have the right to review the joint venture agreement and determine if such arrangement is within the requirements and intent of this LBCE Program.

F. Program Compliance

All prime contractors shall take all necessary and reasonable measures to achieve the LBE, SLBE, and/or VSLBE participation commitment established in the contract by the completion of the contract. Any modification to the original participation level shall be approved by Alameda CTC.

Any substitution of LBE, SLBE, and/or VSLBE subcontractor(s) must be approved in writing beforehand by Alameda CTC, or by the Sponsor Agency with written consent from Alameda CTC. If an LBE, SLBE, and/or VSLBE subcontractor is unable to perform successfully, such subcontractor shall be replaced and the Sponsor Agency, or the prime contractor, shall notify Alameda CTC and respectively seek written consent or approval to substitute such subcontractor. Alameda CTC may investigate the circumstances surrounding the request for substitution. The prime contractor shall make its best effort to replace the original LBE, SLBE, or VSLBE with another firm that shall count toward the same participation (e.g., an LBE firm may be substituted by an LBE, SLBE or VSLBE).

Alameda CTC and its Sponsor Agencies shall monitor compliance with the requirements of this LBCE Program during the term of the contract. If Alameda CTC or its Sponsor Agency determines that a prime contractor or subcontractor has failed to comply with the LBCE Program, Alameda CTC or its Sponsor Agency shall notify the contractor to remedy any such failure(s). Alameda CTC may require reports, information, and documentation from prime contractors, subcontractors, bidders, and the Sponsor Agency, as reasonably necessary, to determine compliance with this LBCE Program. Alameda CTC may hold a hearing to evaluate potential non-compliance issues. While the evaluation points for meeting the LBE, SLBE and/or VSLBE goals are applied during the selection process, there is no requirement that any particular goal be met on non-construction contracts. Similarly, participation falling short of the overall goal on construction contracts shall not be considered non-compliant if the bidder made Good Faith Efforts to meet the goals.

G. Program Outreach

Alameda CTC will use the following means to increase LBE, SLBE, and VSLBE participation:

1. Hold periodic workshops to inform businesses of upcoming contract and business networking opportunities.
2. Provide information on contracting processes and specific contract opportunities (e.g., make an effort to ensure: inclusion of LBE, SLBE, and/or VSLBE firms on contracting opportunity mailing lists; dissemination of the list of potential subcontractors to bidders regarding prime contracts; and make information available in languages other than English, as appropriate).
3. To the extent practicable, unbundle large contracts to make them more accessible to small businesses.

4. Encourage prime contractors to subcontract portions of work that they might otherwise perform with their own workforce.
5. Provide assistance to Sponsor Agencies during bid evaluations and with ways to achieve LBCE Program goals.
6. Employ robust contract compliance measures to ensure that prime contractor commitments to LBE, SLBE, and/or VSLBE firms are met.

SECTION III. REPORTING AND OTHER REQUIREMENTS

A. Reporting Requirements

Alameda CTC shall submit an LBCE Utilization Report to the Commission on an annual basis. The report shall include expenditures made by Alameda CTC and its Sponsor Agencies to LBE, SLBE, and VSLBE firms during the reporting period. The expenditures will show award amount and payments to the prime contractors and their respective subcontractors by contract type (e.g., construction contract or professional services contract) and certification status.

The Sponsor Agencies shall provide this information on a semi-annual basis or when requesting reimbursement from Alameda CTC, whichever occurs first, regardless of whether or not such contracts are subject to the LBCE Program goal requirements. The information shall list the total payments made on each active contract during the reporting period, in addition to awards, modifications, and payments to all LBE, SLBE, VSLBE prime and subcontractors at all tiers of the contract.

B. Records Maintenance

The awarding agency (Alameda CTC or its Sponsor Agency) shall maintain accurate records for each contract awarded. The records shall include dollar values, the nature of the goods or services to be provided, the name of the prime contractor to which the contract was awarded, and the effort the prime contractor employed to solicit bids from LBE, SLBE and/or VSLBE firms. In addition, the information shall include all subcontracts awarded by the prime contractor identifying for each subcontractor the dollar value, the nature of the goods or services provided, and the name of the subcontractor.

All prime contractors are required to maintain certain records and documents for a period of five (5) years after Alameda CTC's payment of the final invoice. These records will be made available for inspection upon request by an authorized representative of Alameda CTC and shall include the following:

1. The name and address of each first-tier subcontractor;
2. The name and business address, regardless of tier, of every LBE, SLBE and/or VSLBE subcontractor;
3. The date of payment and the total dollar amount paid to each subcontractor; and
4. The date of work performed by their own workforce along with the corresponding dollar value of the work claimed toward the applicable LBCE goal.

C. Prompt Payment

The prime contractor shall be paid within thirty (30) calendar days of submitting a valid and complete invoice with all required supporting documentation. Accompanying the request for payment, a prime contractor will submit a Payment Request Form summarizing payments due. When paying the prime contractor, Alameda CTC or its Sponsor Agency will include a Payment Request Form that reflects all approved items. Prime contractors shall include an exact copy of this Payment Request Form with each payment to subcontractors.

The prime contractor shall submit acceptable subcontractors' invoices with each Payment Request Form no later than thirty (30) calendar days after receipt of such invoices from its subcontractors.

Alameda CTC or its Sponsor Agency shall ensure that the clause(s) regarding prompt payment will be included in each contract subject to this LBCE Program, per Alameda CTC's Sample Contract Language requirements.

D. Penalties and Sanctions

When a contract subject to this LBCE Program is awarded and Alameda CTC and/or Sponsor Agency has cause to believe that any bidder, prime contractor, or subcontractor has willfully failed to comply with any of the provisions of this LBCE Program, either Alameda CTC or the Sponsor Agency may conduct an investigation. In order to complete its investigation, Alameda CTC or Sponsor Agency may require reports, information and documentation from bidders, prime contractors, subcontractors, and/or the Sponsor Agency, as are reasonably necessary to determine compliance with the requirements of this LBCE Program.

Based on this investigation, if Alameda CTC, or the Sponsor Agency with the advice and consent of Alameda CTC, finds non-compliance, the investigating entity will provide the bidder or prime contractor with written notice that a determination of non-compliance has been made. The recipient of such written notice shall reply within thirty (30) calendar days concerning whether it wishes to file a protest of the determination. Alameda CTC or the Sponsor Agency shall review the protest for at least thirty (30) calendar days, but not more than one hundred twenty (120) calendar days from the date the protest is received. Alameda CTC or the Sponsor Agency may extend the review period for up to thirty (30) calendar days for good cause, consistent with applicable statutes.

The sanctions that may be imposed for each violation of this LBCE Program are as follows:

1. Imposing a fine;
2. Suspending the contract until violation is remedied;
3. Terminating the contract; and
4. Disqualifying the bidder, contractor, subcontractor or other business from eligibility for providing goods or services to Alameda CTC for a period of up to three (3) years.

The Alameda CTC or the Sponsor Agency shall monitor the recipient's implementation of the agreement terms to ensure compliance.

If a bidder, prime contractor or subcontractor disputes a determination of non-compliance or any sanction imposed as a result of such a determination, the bidder, prime contractor or subcontractor may appeal Alameda CTC's or the Sponsor Agency's determination to the Commission. To be considered by the Commission, any such appeal must be submitted in writing to the LBCE Liaison

Officer and must be received within thirty (30) calendar days after issuance of the determination of non-compliance by Alameda CTC or the Sponsor Agency.

E. Program Review

This LBCE Program will be reviewed periodically by Alameda CTC. Alameda CTC may make changes to the LBCE Program as needed to implement the goals and objectives of the LBCE Program. Changes to the LBCE Program shall be submitted to the Commission for approval.

F. Severability

The provisions of this LBCE Program are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this LBCE Program, or the invalidity of the application thereof to any person or circumstances shall not affect the validity of the remainder of this LBCE Program, or the validity of its application to other persons or circumstances.

G. Confidentiality

Alameda CTC and its consultants shall safeguard from disclosure to third parties information that may reasonably be regarded as confidential business information, consistent with federal, state, and local law.

APPENDICES

APPENDIX A. DEFINITIONS	133
APPENDIX B. RESPONSIBILITIES OF SPONSOR AGENCIES	177
APPENDIX C. GOOD FAITH EFFORTS FOR CONSTRUCTION CONTRACTS	188
A. <i>Good Faith Efforts Criteria</i>	188
B. <i>Good Faith Efforts Review</i>	199
APPENDIX D. RESPONSIBILITIES OF LBCE LIAISON OFFICER	20

APPENDIX A. DEFINITIONS

The terms used in this LBCE Program are defined in the list below, in alphabetical order.

Alameda County Transportation Commission (Alameda CTC). Alameda CTC is a joint powers agency which plans, funds and delivers a broad spectrum of transportation projects and programs to enhance mobility throughout Alameda County, as the successor to three previous agencies: Alameda County Transportation Authority (ACTA), Alameda County Transportation Improvement Authority (ACTIA), and Alameda County Congestion Management Agency (ACCMA). Alameda CTC is responsible for the administration of voter-approved Measure B and Measure BB sales taxes and other local funds for transportation improvements and the Congestion Management Program in Alameda County.

Awarding Agency. Alameda CTC or a Sponsor Agency responsible for advertising, awarding and administering a contract.

Bid. A quote, proposal, or offer by a contractor to provide labor, material, goods and/or services to Alameda CTC or a Sponsor Agency for a specified price.

Capital Project. A capital project (as differentiated from a program) specifically listed in the Measure B or Measure BB Transportation Expenditure Plans, or an individual project to which the Commission uses its discretion to allocate Measure B, Measure BB or VRF funds to fund any portion of the development or construction of that project. Projects funded through Sponsor Agency's direct local distribution funds are not included.

Certification. The process of granting a status to firms qualified in the LBCE Program through the submission of a completed application. A firm may qualify as an LBE, SLBE, or a VSLBE, which are further defined herein.

Certification List. List of certified LBE, SLBE, and VSLBE firms maintained by Alameda CTC and available to the public on Alameda CTC's website.

Commercially Useful Function. A responsibility of a business for carrying out a piece of contract work by actually performing, managing, and supervising the work involved or providing the materials, equipment, or supplies to Alameda CTC or a Sponsor Agency as required by bid solicitation. To perform a Commercially Useful Function, a business must perform or exercise responsibility for at least thirty percent (30%) of the total cost of its contract with its own workforce, or the business must not subcontract a greater portion of the work than would be expected on the basis of normal industry practice for the type of work involved.

Commission. The governing body of Alameda CTC. The Commission is comprised of 22 members, with the following representation: All five Alameda County Supervisors, two representatives from the City of Oakland, one representative from each of the other 13 incorporated cities in Alameda County, one representative from the Alameda-Contra Costa Transit District, and one representative from the Bay Area Rapid Transit District.

Construction Contract. A legally binding agreement between Alameda CTC or a Sponsor Agency and a duly licensed person or firm to provide labor, materials, and/or equipment for Construction work.

Construction Work. Services performed by a duly licensed person or firm to build or construct structures, roadways, or roadway appurtenances for Alameda CTC or a Sponsor Agency.

Contract. A legally binding agreement obligating a seller to furnish goods or services (including, but not limited to, construction and professional services) and a buyer to pay for the goods or services.

Contractor/Consultant. A person or business entity with a current business license issued by a city or county that undertakes a contract to provide materials or labor to perform services or complete a job.

Fixed Place of Business. A fixed office, place, site, structure, or other similar facility, through which an individual or firm engages in a trade or business. For this purpose a fixed place of business shall include, but not be limited to, a designated office space; a factory; a store or sales outlet; or a workshop. A firm shall not be considered to have a fixed place of business merely because such individual or firm uses another person's office or fixed place of business, if such trade or business activities are relatively sporadic or infrequent, taking into account what is normal industry practice for that trade or business.

Good Faith Efforts (GFE). The steps set forth in Appendix C of this LBCE Program undertaken to comply with the goals and requirements imposed by Alameda CTC for participation of LBE and SLBE firms as a subcontractor on construction contracts.

GFE Points. The evaluation methodology employed on a construction bid to determine if a business meets the LBE or SLBE goals or made an acceptable effort towards attaining the goals established.

Joint Venture. An association of two or more individuals or entities for the purpose of engaging in a specific business enterprise for profit.

Local Business Contract Equity (LBCE) Liaison Officer. Alameda CTC's LBCE Liaison Officer is the agency representative primarily responsible for implementing all aspects of the LBCE Program.

Local Business Enterprise (LBE). An Alameda County business that meets LBE Criteria and is certified by the Alameda CTC.

LBE Goal. The targeted percentage of participation by LBE firms, as established by Alameda CTC, for contracts which are awarded by Alameda CTC and/or its Sponsor Agencies which are subject to this LBCE Program.

Measure B. The local initiatives approved by the voters of Alameda County in 1986 and 2000 to levy a one-half (1/2) cent sales and use tax on purchases within the County in order to finance certain transportation-related projects and programs as set forth in the Transportation Expenditure Plans that supported the measures which are incorporated by reference into this LBCE Program. The measures authorized the creation of Alameda CTC's predecessor agencies to administer the

implementation of Measure B. A copy of both Measure B documents, including the Transportation Expenditure Plans, are available at Alameda CTC's office and on its website.

Measure BB. The local initiative approved by Alameda County voters on November 4, 2014, to levy a one-half (1/2) cent sales and use tax through March 31, 2022 and thereafter a one cent sales and use tax through March 31, 2045 on purchases within the County to finance certain capital transportation projects and programs as set forth in the 2014 Transportation Expenditure Plan which outlines essential transportation improvements in every city throughout Alameda County and is incorporated by reference into this LBCE Program. A copy of Measure BB documents, including the Transportation Expenditure Plan, are available at Alameda CTC's office and on its website.

North American Industry Classification System (NAICS). The standardized system that classifies business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. economy. The NAICS industry codes define establishments based on the activities in which they are primarily engaged.

Participation. Instance in which a prime contractor utilizes one or more LBE, SLBE, and/or VSLBE firms to meet Alameda CTC's LBE and SLBE subcontracting requirements. Prime contractors may count towards its subcontracting goals only those expenditures to LBE, SLBE, and VSLBE firms that perform a Commercially Useful Function.

Partner Certifying Agencies. Alameda County certifying agencies which work cooperatively with Alameda CTC in its efforts to certify Alameda County businesses under the LBCE Program.

Prime Contractor/Prime Consultant. Any person(s), firm, partnership, corporation, or joint venture who submits a bid or proposal and/or enters into a contract with Alameda CTC or a Sponsor Agency to provide goods and/or perform construction or professional services. Prime contractors shall perform at least thirty percent (30.0%) of construction work or professional services on a contract.

Principal Business Activity Code. A code designed to classify an enterprise by the type of activity in which it is engaged to facilitate the administration of the Internal Revenue Code. The principal business activity codes are based on the North American Industry Classification System.

Professional Services. Labor, materials, or equipment for professional services including, but not limited to, architects, engineering and construction-related services.

Small Local Business Enterprise (SLBE). An LBE with annual gross revenues, averaged over the most recent three (3) tax years, that does not exceed the U.S. Small Business Administration (SBA) small business size standard for its principal business activity.

SLBE Goal. The targeted percentage of participation by SLBE firms, as established by Alameda CTC, for contracts awarded by Alameda CTC and/or its Sponsor Agencies which are subject to this LBCE Program.

Sponsor Agency. Any public entity receiving Measure B, Measure BB, VRF, and/or other local funds from Alameda CTC to implement projects. Please refer to Appendix B for Responsibilities of Sponsor Agencies.

Subcontractor/Subconsultant. Any individual, partnership, corporation, firm, or other legal entity entering into a contract with a prime contractor to perform a portion of the construction work or professional services under a contract with Alameda CTC or a Sponsor Agency, including but not limited to truckers, manufacturers, suppliers of goods and/or services, and owner-operators of equipment.

U.S. Small Business Administration (SBA) Small Business Size Standard. A small business size standard determined by the U.S. SBA that represents the largest the gross revenues of a business (including its subsidiaries and affiliates) may be and still remain classified as a small business. SBA has established a Table of Small Business Size Standards which is matched to the North American Industry Classification System (NAICS) for industries.

Vehicle Registration Fee (VRF). Alameda County VRF Program that was approved by the voters in November 2010. The fee generates revenues through a \$10 per year vehicle registration fee.

Very Small Business Local Enterprise (VSLBE). An SLBE with annual gross revenue, averaged over the most recent three (3) tax years, which does not exceed \$3,500,000.

VSLBE Goal. The targeted percentage of participation by VSLBE firms, as established by Alameda CTC, for contracts awarded by Alameda CTC and/or its Sponsor Agencies which are subject to this LBCE Program.

APPENDIX B. RESPONSIBILITIES OF SPONSOR AGENCIES

Sponsor Agencies' responsibilities for contracts that are subject to the LBCE Program are as follows:

1. Advertise, award and administer any professional services or construction contract on capital projects not performed by the Sponsor Agency's own forces.
2. Include required provisions verbatim in the procurement document and subsequent contract for professional service and construction contracts (see Alameda CTC's Sample Contract Language for sample language and requirements).
3. Invite Alameda CTC staff and/or consultants to participate as a voting member in the selection of professional consultants and furnish copies of the procurement documents (e.g., Request for Proposals and Invitation for Bids) and contracts to Alameda CTC for review prior to approval by the Sponsor Agency on contracts utilizing Alameda CTC funds.
4. Advertise, award, and administer the construction and utility relocation contracts for Capital Projects in accordance with the applicable requirements of the Local Agency Public Construction Act and the California Labor Code, including its prevailing wage provisions. The Sponsor Agency shall obtain applicable wage rates from the California Department of Industrial Relations and shall adhere to the applicable provisions of the California Labor Code. Violations shall be reported to the California Department of Industrial Relations.
5. Comply with Alameda CTC's LBCE Program when selecting all professional consultants and construction contractors, unless the Sponsor Agency has received approval from Alameda CTC for the Waiver of Goals provisions or for the use of the Sponsor Agency's own local business program.
6. Utilize applicable credits for evaluation when selecting all vendors on phases of the Capital Projects for non-construction contracts. In the event that LBE or SLBE goals are not met on construction projects, Sponsor Agency will require contractors and vendors to make GFE using the process set forth in this LBCE Program. In the event that LBE or SLBE goals are not met on professional services contracts, Sponsor Agency will ensure that evaluation criteria will be applied as set forth in this LBCE Program.
7. Work with Alameda CTC to achieve Alameda CTC's objectives and clarify the required participation goals in the specific agreement in the event that the Sponsor Agency is bound by other mandated contract participation requirements.
8. On capital projects where the Sponsor Agency hires a consultant to administer a phase of the work funded by Alameda CTC, the Sponsor Agency will provide Alameda CTC with a list of prime contractors and subcontractors showing tasks and dollar values, and Progress Reports by project phase, when requesting reimbursement or on a semi-annual basis, whichever comes first. These reports shall describe the following: current status of the capital project; actions and eligible costs expended or incurred since the last report; actions expected to be taken during the next month; an updated schedule with estimated completion timeframe; scope changes; capital project related issues; any unexpected legal, environmental, engineering or construction difficulties; notices of potential claim; business enterprise participation from prime contractors and first-tier subcontractors; and any additional relevant information requested by Alameda CTC.

APPENDIX C. GOOD FAITH EFFORTS FOR CONSTRUCTION CONTRACTS

It is Alameda CTC's intent and policy to fulfill its goals for LBE and SLBE participation. If a bidder fails to meet the LBE or SLBE goals, Alameda CTC must determine whether the bidder made GFE to meet the LBE and SLBE goals. Efforts that are merely pro forma shall not be deemed GFE. Documentation of the contractor's GFE shall be submitted within four (4) calendar days of bid opening if the bidder does not meet the LBE and/or SLBE goals.

A. Good Faith Efforts Criteria

The prime contractor's GFE to reach out to LBE, SLBE and VSLBE firms shall be determined by the level of effort put into achieving the eight (8) measures outlined below. Failure to meet LBE and SLBE goals will not by itself be the basis for disqualification or determination of non-compliance with the LBCE Program. However, failure to include supporting documentation of a GFE and failure to achieve 70 out of 100 GFE evaluation points will render the bid non-responsive and will result in its rejection. A prime contractor shall certify, in its bid documents, which of the following actions it took in order to establish that it made a reasonable GFE to meet Alameda CTC's LBE and SLBE goals:

1. Attend pre-bid meetings scheduled by Alameda CTC or its Sponsor Agency to inform all bidders of the LBCE Program requirements for the project for which the contract will be awarded. Alameda CTC must have a record of the prime contractor's signature on the attendance sheet. **GFE Points = 5**
2. Identify specific items of work to be performed by LBE, SLBE and VSLBE firms in order to increase the likelihood of meeting the LBE and SLBE Goals. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate LBE and SLBE participation. **GFE Points = 15**
3. Advertise, not less than ten (10) business days before the date the bids are opened, in one or more local daily or weekly newspapers, trade association publications, trade oriented publications, trade journals, or other appropriate media to solicit LBE, SLBE, and/or VSLBE firms that are interested in participating in the project. **GFE Points = 10**
4. Provide written notice of interest in bidding LBE, SLBE and VSLBE firms. Written notice shall specify which items of work the prime contractor has identified pursuant to Item 2 above. This notice shall be provided to LBE, SLBE and VSLBE firms within five (5) calendar days after the pre-bid meeting. **GFE Points = 15**
5. Follow-up on the written notice of interest by contacting the owner or other manager of the LBE, SLBE and VSLBE firms to determine whether the enterprises were interested in performing specific items of the project. The prime contractor is required to document the follow-up activities and provide written documentation (including copies of all communications) stating the date and method of contact and the reason for not using the subcontractor. **GFE Points = 20**
6. Make the project plans, specifications, and requirements for the selected work items available for review by interested LBE, SLBE and VSLBE firms. The prime contractor is required to provide a list of all LBE, SLBE and VSLBE firms to whom the project information was made available, method of contact, and copies of notifications. **GFE Points = 5**

7. Where needed, advise and make an effort to assist interested LBE, SLBE, and/or VSLBE firms in obtaining lines of credit, or required insurance. **GFE Points = 5**
8. Negotiate in good faith with LBE, SLBE, and/or VSLBE subcontractors. The prime contractor shall provide evidence that negotiations with LBE, SLBE and/or VSLBE firms were completed in good faith by documenting and providing names, addresses, telephone numbers, and email addresses of LBE, SLBE and VSLBE firms that were considered. To the extent that the prime contractor negotiated with the LBE, SLBE and VSLBE firms and did not select them for the work, the prime contractor shall provide written documentation for rejecting LBE, SLBE, and/or VSLBE bids. **GFE Points = 25**

B. Good Faith Efforts Review

The GFE Evaluation Process consists of a two-tiered review process:

1. **Interdisciplinary Review Team:** The initial review/analysis of the GFE documents will be performed by Alameda CTC staff. This initial report will be presented to the Interdisciplinary Review Team (IRT), nominated by the Executive Director, which determines if a GFE was demonstrated. A written evaluation report will be submitted to all bidders, stating whether the apparent low bidder has complied with the GFE requirements. To protest the IRT decision, a bidder has five (5) business days from the date of the written evaluation report to file a written objection. In the event a hearing is deemed appropriate by the Executive Director, all bidders shall be given at least five (5) business days' notice of the hearing. The IRT shall make its findings within ten (10) business days after the hearing. The IRT's decision may be appealed by the bidder or other interested parties, as defined in the bid document.
2. **GFE Review Committee:** Review of a decision of the IRT that is appealed will be conducted by a GFE Review Committee (Committee), which will be comprised of two (2) Commission members and an outside independent appointee. The two (2) Commission members will be appointed by the Chair of the Commission. The outside independent appointee will be retained by the Alameda CTC's Executive Director. The Committee shall hold a hearing in Alameda County. All subcontractors listed on the Good Faith Efforts Report and all bidders and their subcontractors that participated in the bidding process will be given at least ten (10) business days' notice of the hearing. The Committee will review evidence at the hearing and other factors relevant to the case to determine whether the apparent low bidder made GFE to meet the LBE and SLBE goals. The Committee shall review and keep confidential any information revealing a prime contractor's proprietary interests and shall exclude the public from the hearing for that limited purpose. The Committee shall give all bidders and all subcontractors participating in bids on the project an opportunity to present evidence relating to the apparent low bidder's GFE to meet the LBE and SLBE goals. The Committee makes a final determination as to whether a GFE was demonstrated. Alameda CTC or Sponsor Agency will rely on the decision of the Committee, and Alameda CTC will hold the Sponsor Agency harmless for implementing the decision of the Committee.

**APPENDIX D.
RESPONSIBILITIES OF LBCE LIAISON OFFICER**

Alameda CTC's LBCE Liaison Officer is responsible for implementing all aspects of the LBCE Program. The LBCE Liaison Officer has direct, independent access to the Executive Director of Alameda CTC concerning LBCE Program matters. The LBCE Liaison Officer may be assisted by staff and Alameda CTC consultants as necessary.

The specific duties and responsibilities of the LBCE Liaison Officer under this LBCE Program shall include, but not be limited to, the following:

1. Analyze and assess the available resources and evidence to establish and achieve overall annual program goals each year;
2. Develop, monitor and evaluate the LBCE Program, and prepare supplemental written procedures and guidelines to implement the LBCE Program;
3. Maintain and update the LBCE Program Certification List;
4. Oversee measures to facilitate the participation of local and small business concerns through outreach and other community programs, training and business development programs, restructuring contracting opportunities, and simplifying bonding, surety and insurance requirements;
5. Oversee the contract bid and award process, review contract specifications, ensure the staffing of pre-bid conferences to provide LBCE Program information and participate in the process of evaluating bids for contractor responsiveness, responsibility and GFE;
6. Monitor specific contract performance, payments, and actual participation;
7. Monitor overall participation, adjust the overall goals and means of achievement, assess areas of over-concentration of participation, identify ways to improve progress and reporting to Alameda CTC, as needed;
8. Refer LBE, SLBE and VSLBE firms to resources that provide technical assistance;
9. Oversee outreach to LBE, SLBE and VSLBE firms and community organizations to advise them of opportunities; and
10. Maintain all appropriate records and documentation of the LBCE Program, including gathering and reporting statistical data.



ALAMEDA COUNTY TRANSPORTATION COMMISSION

Local Business Contract Equity Program Updates and Information for Alameda CTC Project Sponsors






ALAMEDA County Transportation Commission

Local Business Contract Equity Program Updates and Information for Alameda CTC Project Sponsors

Presentation to Project Sponsors

- Provide Sponsors with LBCE Program information and updates
- Enhance Project Sponsor understanding of roles and responsibilities
- Improve LBCE Program operations and facilitate compliance with all requirements
- Augment Alameda CTC's ability to deliver business opportunities to local, small local and very small local businesses in Alameda County



LBCE Program Policy Statement

Alameda CTC has established an LBCE Program to create economic growth and jobs within Alameda County.

The LBCE Program helps to identify and engage the participation of Local Business Enterprise (LBE), Small Local Business Enterprise (SLBE) and Very Small Local Business Enterprise (VSLBE) firms located in Alameda County by requiring local contracting that supports residents and businesses.



LBCE Program Overview

- The LBCE Program applies to:
 - Contracts funded either solely or in part by Measure B, Measure BB and/or Vehicle Registration Fees (VRF) funds or these funds in combination with other local funds
 - Contracts administered by the Alameda CTC or related to, or in support of, Project Sponsor-administered capital projects
- The LBCE Program sets contract participation goals for LBE, SLBE and VSLBE firms located in Alameda County.
 - To be counted towards participation goal attainment, firms must become certified as an LBE, SLBE, and/or VLSBE firm by Alameda CTC
 - External agency certifications do not count towards the contract participation goals



LBCE Program Overview (cont.)

LBCE Program goals for LBE, SLBE and VSLBE firms:

Type of Contract	LBE	SLBE	VSLBE
<i>Contracts over \$75,000</i>			
Construction	60%	20%	N/A
Professional Services	70%	30%	N/A
<i>Contracts between \$25,000 and \$75,000</i>			
Construction	N/A	N/A	N/A
Professional Services	N/A	N/A	30%

Benefits of achieving LBCE Program goals:

- Credits are applied to the total evaluation points earned during pursuit
 - LBE and SLBE Goals: 5% total evaluation points are applied for a total of 10%
 - VSLBE Goal: 20% of total evaluation points are applied



Project Sponsor LBCE Program Participation

- Project Sponsors are obligated to comply with all applicable provisions of Alameda CTC's LBCE Program as noted in the Project Funding Agreement and LBCE Policy:
 - Provide list of upcoming contracting opportunities to Alameda CTC on a quarterly basis or earlier as needed
 - Incorporate required provisions verbatim in procurement documents and subsequent contracts
 - Distribute, or request that Alameda CTC distribute, the procurement notice to Alameda CTC-certified LBE, SLBE, and/or VSLBE firms
 - Document outreach efforts



Project Sponsors LBCE Program Participation (cont.)

- Invite Alameda CTC participation in the selection of consultants and furnish copies of procurement documents and contracts to Alameda CTC prior to Sponsor Agency approval of contracts utilizing Alameda CTC funds
- Ensure applicable credits are applied to the total evaluation points earned during pursuit (for professional services only):
 - LBE and SLBE Goals: 5% total evaluation points are applied for a total of 10%
 - VSLBE Goal: 20% of total evaluation points are applied
- If LBE or SLBE goals are not met on construction projects, require contractors to make GFE using process set forth in LBCE Program
- If LBE or SLBE goals are not met on professional services contacts, ensure evaluation criteria will be applied as set forth in the LBCE Program



Project Sponsors LBCE Program Participation (cont.)

- Under certain conditions, Project Sponsors may request Waivers of LBCE Goals. To do so, Project Sponsors must:
 - Notify Alameda CTC LBCE Liaison Officer of intent to pursue goal waiver and coordinate schedule to align with obtaining Board approval
 - Define the scope of work (SOW), items of work and estimated value of work items
 - Conduct focused outreach to Alameda County businesses, those certified or eligible for certification by Alameda CTC and other partner certifying agencies, that are willing and able to perform listed work items
 - Post the "Intent to Waive Goals" notice that includes SOW and items on the Alameda CTC website at least **45** calendar days before advertising contract opportunity
 - Obtain Alameda CTC Board approval prior to advertisement of the RFP, RFQ, or IFB



Project Sponsors LBCE Program Participation (cont.)

- Under certain conditions, Project Sponsors may request to utilize their local business inclusionary program rather than the LBCE Program. To do so, Project Sponsors must:
 - Notify Alameda CTC LBCE Liaison Officer of intent to request a program substitution
 - Provide a copy of the program to Alameda CTC
 - Provide evidence that the program was formally adopted by the Project Sponsor's governing body to Alameda CTC
 - Obtain written approval from the LBCE Liaison Officer prior to advertisement of the contract



LBCE Program Requirements for Professional Services

Pre-proposal Meeting Guidelines

- While not required, Alameda CTC recommends Project Sponsor hold a pre-proposal meeting to assist proposers in achieving LBCE Program goals
- Invite prospective prime consultants and subconsultants, including LBE, SLBE and VSLBE firms, to pre-proposal meeting. During the meeting, Project Sponsor will explain the work to be performed and the process for submitting a response, and Alameda CTC or Project Sponsor will explain the provisions of this LBCE Program, including LBCE Program Exhibits
- Make list of certified LBE, SLBE and VSLBE firms available to pre-proposal meeting attendees and/or interested parties, or in a timely manner if no pre-proposal meeting is held



LBCE Program Requirements for Professional Services (cont.)

Submittal Requirements

Project Sponsor will direct prime proposer to comply with all requirements for submitting responses (e.g., statements of qualifications or proposals) as prescribed by the LBCE-compliant procurement documents (e.g., Request for Proposals, Request for Qualifications, or Invitation for Bid):

- All firms utilized to meet an LBE, SLBE, and/or VLSBE goal must be certified by Alameda CTC prior to proposal submittal
- All work performed by LBE, SLBE, and/or VSLBE firms, including any subconsultant and/or vendor regardless of tier and subcontract amount, should be clearly identified and the percentage of their involvement indicated
- Proof of certification must be included along with the proposal



LBCE Program Requirements for Professional Services (cont.)

Evaluation Points

- Project Sponsor shall validate the participation percentage for each goal by completing the Cost Proposal Forms B-02 (Expense Detail) and B-04 (LBCE Program Participation Summary) and apply evaluation credit for meeting each goal according to the LBCE Program.
- During the selection process for contract award of professional services contracts, the ability to meet or exceed LBE, SLBE and/or VSLBE goals shall yield applicable credits as follows:
 - LBE and SLBE goals apply for contracts over \$75,000: Five percent (5.0%) of the total evaluation points for each goal, for a total of ten percent (10.0%).
 - VSLBE goal apply for contracts between \$25,000 and \$75,000: Twenty percent (20.0%) of the total evaluation points.



LBCE Program Requirements for Construction Projects

Pre-bid Meeting

- Not less than ten (10) business days before bids are due, Project Sponsor shall hold a pre-bid meeting in Alameda County and invite prospective prime contractors and subcontractors, including LBE, SLBE and VSLBE firms
- During the meeting, Project Sponsor will explain the contract work to be performed and the process for bidding, and Alameda CTC or Project Sponsor will explain the provisions of this LBCE Program, including the LBCE Program Exhibits
- Project Sponsor shall discuss and provide the list of certified LBE, SLBE and VSLBE firms to prospective bidders, prime contractors and subcontractors at the meeting



LBCE Program Requirements for Construction Projects (cont.)

Submittal Requirements

- Project Sponsor shall direct the prime contractor to comply with all the requirements for submitting a bid as prescribed by the LBCE Program, including LBCE Program Appendix C (Good Faith Efforts for Construction Contracts) and LBCE Program Exhibit B2 (Sample Program Compliance Language: Construction)
- All firms to be utilized to meet the LBE and/or SLBE goal must be certified by Alameda CTC prior to bid opening and proof of certification must be submitted with the bid
- All work performed by LBE, SLBE, and/or VSLBE firms, including any subconsultant and/or vendor regardless of tier and subcontract amount, should be clearly identified and the percentage of their involvement indicated



LBCE Program Requirements for Construction Projects (cont.)

Good Faith Efforts (GFE) Requirements

- A bidder that fails to meet the LBE or SLBE goal on a construction contract shall not be awarded the contract unless the Good Faith Efforts requirements are met
- Project Sponsor will utilize the **8** measures of Good Faith Efforts as set forth in Appendix C of the LBCE Policy
- Efforts that are merely proforma shall not be deemed GFE
- Documentation of the contractor's GFE shall be submitted within **4** calendar days of bid opening



LBCE Program Requirements During Project Implementation

- Maintain accurate records for each contract awarded to include
 - Dollar values, nature of the goods or services provided, name of prime contractor, and effort of prime contractor to solicit bids from LBE, SLBE and VSLBE firms.
 - All subcontracts awarded to by prime for each subcontractor
- Require all primes to maintain certain records and documents for five years after Alameda CTC's payment of the final invoice.



LBCE Program Requirements During Project Implementation (cont.)

- Implement Prompt Payment requirements so that prime contractor is paid within 30 days of submitting a valid and complete invoice. (Prompt Payment clause must be included in each contract subject to LBCE program)
- Require prime contractor to submit acceptable subcontractor invoices with each payment request form no later than 30 calendar days after receipt of invoice from subcontractors



LBCE Program Requirements During Project Implementation (cont.)

- Monitor consultant/contractor's compliance with requirements of LBCE Program during the term of the contract to include:
 - Monthly review and tracking of work performed and payments to LBE, SLBE, VSLBE firms
 - Semi-annually, or upon request, submit report to Alameda CTC that includes expenditures to LBE, SLBE and VSLBE firms during the report period
 - Report must include total payments made on each active contract in addition to awards, modifications and payments to all LBE SLBE and VSLBE prime and subcontractors at all tiers



LBCE Program Requirements During Project Implementation (cont.)

If Project Sponsor determines that a prime contractor or subcontractor has willfully failed to comply with LBCE Program:

- Notify contractor/subcontractor, investigate and evaluate non-compliance issues following procedures in LBCE Policy
- Impose sanctions as spelled out in LBCE Program policy
- Notify Alameda CTC LBCE Program Liaison and keep Alameda CTC apprised of process



Technical Assistance to Project Sponsors

- LBCE Program information and clarifications
- Outreach Assistance to promote LBE, SLBE, VSLBE participation
- Participation in pre-bid meetings to explain LBCE Program
- Certification information and assistance
- Help in Evaluations of LBE, SLBE, and VSLBE Goal Attainment
- Help in Evaluations of Good Faith Efforts and/or determinations of Commercially Useful Functions



Project Sponsor Resources

- LBCE Program Policy
- Procurement Process: Professional Services (Exhibit A1)
- Sample Program Compliance Language: Professional Services (Exhibit A2)
- Procurement Process: Construction (Exhibit B1)
- Sample Program Compliance Language: Construction (Exhibit B2)
- List of Certified LBE/SLBE/VSLBE Firms

<https://www.alamedactc.org/get-involved/contract-equity/>



Project Sponsor Resources (cont.)

Direct inquiries about the LBCE Program to Alameda CTC's LBCE Liaison Officer:

Seung Cho
 Director of Procurement and Information Technology
 Alameda County Transportation Commission
 Email: scho@alamedactc.org
 Phone: (510) 208-7472



This page intentionally left blank

PROCUREMENT PROCESS: PROFESSIONAL SERVICES

The Sponsor Agency must follow these requirements in procuring a professional services contract:

1. **LBCE Program Compliance.** Sponsor Agency shall review the LBCE Program to ensure compliance with program requirements, including, but not limited to:
 - a. Incorporating required provisions verbatim in the procurement document and subsequent contract for professional services contracts (also see Exhibit A2).
 - b. Inviting Alameda CTC staff and/or consultants to participate as a voting member in the selection of professional consultants and furnishing copies of the procurement documents (e.g., Request for Proposals and Invitation for Bids) and contracts to Alameda CTC for review prior to approval by the Sponsor Agency on contracts utilizing Alameda CTC funds.
 - c. Coordinating with Alameda CTC to achieve Alameda CTC's objectives and clarifying LBCE Program requirements in the event that the Sponsor Agency is bound by other mandated requirements.
2. **Outreach to Alameda CTC-certified Firms.** Sponsor Agency shall distribute, or request that Alameda CTC distribute, the procurement notice to Alameda CTC-certified LBE, SLBE, and/or VSLBE firms. Sponsor Agency should document its outreach efforts. Further, Alameda CTC recommends that the Sponsor Agency advertise the procurement notice in one or more newspapers, technical publications, professional associations, societies, and/or business development centers, to solicit LBE, SLBE, and/or VSLBE firms that are interested in participating in the opportunity.
3. **Pre-proposal Meeting Guidelines.** While the Sponsor Agency is not required to hold a pre-proposal meeting, Alameda CTC recommends such a meeting to assist proposers in achieving LBCE Program goals. Sponsor Agency shall invite prospective prime consultants and subconsultants, including LBE, SLBE and VSLBE firms, to any such pre-proposal meeting. During the meeting, Sponsor Agency will explain the work to be performed and the process for submitting a response, and Alameda CTC or Sponsor Agency will explain the provisions of this LBCE Program, including the LBCE Program Exhibits. Sponsor Agency shall discuss and provide the list of certified LBE, SLBE and VSLBE firms (available at https://www.alamedactc.org/app_pages/view/4543) to meeting attendees and/or interested parties at the pre-proposal meeting, or in a timely manner if no pre-proposal meeting is held.
4. **Submittal Requirements.** Sponsor Agency shall direct the prime proposer to comply with all of the requirements for submitting responses (e.g., statements of qualifications and proposals) as prescribed by the LBCE-compliant procurement documents (e.g., Request for Proposals, Request for Qualifications, or Invitation for Bid) or as prescribed by Alameda CTC or the Sponsor Agency, with Alameda CTC's approval, including but not limited to the following:
 - a. All firms to be utilized to meet an LBE, SLBE, and/or VLSBE goal must be certified by Alameda CTC prior to proposal submittal.
 - b. All work performed by LBE, SLBE, and/or VSLBE firms, including any subconsultant and/or vendor regardless of tier and subcontract amount, should be clearly identified and the percentage of their involvement indicated.
 - c. Proof of certification must be included along with response.
5. **Evaluation Points.** Sponsor Agency shall validate the participation percentage for each goal by completing the Cost Proposal Forms B-02 (Expense Detail) and B-04 (LBCE Program Participation Summary) (available at https://www.alamedactc.org/app_pages/view/10614) and shall apply evaluation credit for meeting each goal according to the LBCE Program. During the selection process for contract award of professional services contracts, the ability to meet or exceed LBE, SLBE and/or VSLBE goals shall yield applicable credits as follows:
 - a. LBE and SLBE goals apply for contracts over \$75,000: Five percent (5.0%) of the total evaluation points for each goal, for a total of ten percent (10.0%).
 - b. VSLBE goal apply for contracts between \$25,000 and \$75,000: Twenty percent (20.0%) of the total evaluation points.

This page intentionally left blank

SAMPLE PROGRAM COMPLIANCE LANGUAGE: PROFESSIONAL SERVICES

For Alameda CTC-funded projects subject to the Local Business Contract Equity (LBCE) Program

Note to Sponsor Agency: This language shall be included in all contracts and solicitations for professional services which are subject to the LBCE Program. If you or your legal counsel believe that changes to this language are required to fit your particular requirements and project, please confer with Alameda CTC regarding the proposed changes prior to finalizing the document.

TABLE OF CONTENTS

I. Procurement Document..... 2

A. Local Business Contract Equity Program Requirements..... 2

B. Proposal and Interview Evaluation Criteria..... 2

II. Contract Document..... 3

A. ALAMEDA CTC Local Business Contract Equity Program..... 3

I. PROCUREMENT DOCUMENT

A. Local Business Contract Equity Program Requirements

(Sponsor Agency to check either the first or second box below; check the first box for contracts over \$75,000, check the second box for contracts between \$25,000 and \$75,000. See LBCE Program Section II.A, “LBE, SLBE, and VSLBE Goals and Participation” for details.)

This contract will be funded in whole or in part by Alameda CTC VRF, Measure B and/or Measure BB funds, or such funds in combination with other local funds. Consequently, Alameda CTC’s Local Business Contract Equity (LBCE) Program will apply. The LBCE Program establishes goals for the award of professional service contracts to firms located within Alameda County. For professional services under this contract, the LBCE Program requires the following goal(s):

- Local Business Enterprise (LBE) goal of 70.0% and a Small Local Business Enterprise (SLBE) goal of 30.0%
- Very Small Local Business Enterprise (VSLBE) goal of 30.0%

Further details regarding the LBCE Program, including requirements and forms, can be found on the Alameda CTC website at www.alamedactc.org/app_pages/view/4543, along with a list of all currently certified firms. It is the responsibility of qualified firms which desire to work on contracts subject to the LBCE Program to ensure that they are appropriately certified by Alameda CTC on a timely basis. All firms utilized to meet an LBE, SLBE, and/or VLSBE goal must be certified by Alameda CTC by the time of proposal submission, and proof of certification must be submitted with the proposal. Applications for LBE, SLBE, and/or VLSBE certification will not be accepted with the proposal. The prime contractor will be required to report LBE, SLBE, and VSLBE utilization with each invoice submitted for payment.

For assistance or questions related to Alameda CTC LBCE Program, including LBE, SLBE, and VSLBE certifications, please contact the Alameda CTC LBCE Certification Unit:

Alameda CTC LBCE Certification Unit	
Email Address:	certification@alamedactc.org
Phone:	(510) 208-7400
Fax:	(510) 893-6489
Mailing Address:	Alameda CTC
	1111 Broadway, Suite 800
	Oakland, California 94607

B. Proposal and Interview Evaluation Criteria

(Sponsor Agency to include either a. or b. below and delete the other. See LBCE Program Section II.A, Paragraph 2, Applicable Credits for Contract Award.)

(Option a. – Use for contracts over \$75,000)

a. Ability to Meet or Exceed Applicable LBE and SLBE Goals.

This procurement and the resulting contract are subject to the LBCE Program established by Alameda CTC. The percentage of participation toward each goal shall be based on the cost proposal, excluding costs for any optional task(s) and/or phase(s). (A proposer shall receive 5% of total scoring points for each goal achieved, for a maximum total of 10% of total scoring points).

Proposer shall include in its proposal the LBE/SLBE Participation Summary from Alameda CTC Sample Cost Proposal Form B (under the worksheet tab labeled “LBCE”); the other sheets within the workbook are not required. Alameda CTC Sample Cost Proposal Form B is available on the Alameda CTC website at www.alamedactc.org/app_pages/view/10614 and is incorporated herein as if attached.

(Option b. – Use for contracts between \$25,000 and \$75,000)

b. Ability to Meet or Exceed Applicable VSLBE Goal.

This procurement and the resulting contract are subject to the LBCE Program established by Alameda CTC. The percentage of participation toward the goal shall be based on the cost proposal, excluding costs for any optional task(s) and/or phase(s). (A proposer shall receive 20% of total scoring points for meeting the goal).

II. CONTRACT DOCUMENT

A. ALAMEDA CTC Local Business Contract Equity Program

1. CONSULTANT shall comply with all applicable provisions of Alameda County Transportation Commission's (ALAMEDA CTC's) Local Business Contract Equity (LBCE) Program, incorporated herein by reference as if attached hereto. [AGENCY] shall provide a copy of the LBCE PROGRAM to CONSULTANT upon request.

2. If the CONSULTANT or any subconsultant is a Local Business Enterprise ("LBE"), Small Local Business Enterprise ("SLBE"), and/or Very Small Local Business Enterprise ("VSLBE") firm, the certificate for that firm shall be attached to this AGREEMENT.

3. No substitution of a listed LBE, SLBE, or VSLBE subconsultant on a contract can be made without the prior written approval of [AGENCY] with agreement of ALAMEDA CTC. If an LBE, SLBE, or VSLBE subconsultant is unable to perform successfully, the [AGENCY] or CONSULTANT shall submit a written request to ALAMEDA CTC for approval to replace such firm. CONSULTANT must make good faith efforts to replace such LBE, SLBE, or VSLBE with another LBE, SLBE, or VSLBE, respectively. ALAMEDA CTC may investigate the circumstances surrounding the substitution request.

4. CONSULTANT agrees that within ten (10) calendar days' receipt of payment from Sponsor Agency, CONSULTANT shall pay to its subconsultants all amounts due from such payment for satisfactory performance of its contract, subject to such legal requirements under federal or state law regarding withholding of disputed payments and applicable penalties. Any delay or postponement of payment over thirty (30) days may take place only for good cause and with ALAMEDA CTC's prior written approval. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the CONSULTANT or subconsultant in the event of a dispute involving late payment or nonpayment by the CONSULTANT, deficient subconsultant performance, and/or noncompliance by a subconsultant. This clause applies to LBE, SLBE, and VSLBE and non- LBE, SLBE, and VSLBE subconsultants.

5. CONSULTANT agrees to include any subconsultant's acceptable invoices with each Payment Request Form that it submits to Sponsor Agency no later than thirty (30) calendar days after receipt of such invoice from the subconsultant. This clause applies to LBE, SLBE, and VSLBE and non- LBE, SLBE, and VSLBE subconsultants.

6. CONSULTANT agrees further to release retainage payments, if any, to each subconsultant within thirty (30) calendar days after the subconsultant's work is completed and accepted. Any delay or postponement of payment over thirty (30) days may take place only for good cause and with ALAMEDA CTC's prior written approval. This clause applies to LBE, SLBE, and VSLBE and non- LBE, SLBE, and VSLBE subconsultants.

This page intentionally left blank

PROCUREMENT PROCESS: CONSTRUCTION

The Sponsor Agency must follow these requirements in procuring a construction contract:

1. **LBCE Program Compliance.** Sponsor Agency shall review the LBCE Program to ensure compliance with program requirements, including, but not limited to:
 - a. Incorporating required provisions verbatim in the procurement document and subsequent contract for construction projects (also see Exhibit B2).
 - b. Furnishing copies of the procurement documents and contracts to Alameda CTC for review prior to approval by the Sponsor Agency on contracts utilizing Alameda CTC funds.
 - c. Conforming to all applicable requirements of the Local Agency Public Construction Act and the California Labor Code.
 - d. Coordinating with Alameda CTC to achieve Alameda CTC's objectives and clarifying LBCE Program requirements in the event that the Sponsor Agency is bound by other mandated requirements.
2. **Outreach to Alameda CTC-certified Firms.** Sponsor Agency shall distribute, or request that Alameda CTC distribute, the procurement notice to Alameda CTC-certified LBE, SLBE, and/or VSLBE firms. Sponsor Agency should document its outreach efforts. Further, Alameda CTC recommends that the Sponsor Agency advertise the procurement notice in one or more newspapers, technical publications, professional associations, societies, and/or business development centers, to solicit LBE, SLBE, and/or VSLBE firms that are interested in participating in the opportunity.
3. **Pre-bid Meeting.** Not less than ten (10) business days before bids are due for each contract subject to this LBCE Program, Alameda CTC or Sponsor Agency shall hold a pre-bid meeting in Alameda County and invite prospective prime contractors and subcontractors, including LBE, SLBE and VSLBE firms. During the meeting, Sponsor Agency will explain the contract work to be performed and the process for bidding, and Alameda CTC or Sponsor Agency will explain the provisions of this LBCE Program, including the LBCE Program Exhibits. Sponsor Agency shall discuss and provide the list of certified LBE, SLBE and VSLBE firms (available at https://www.alamedactc.org/app_pages/view/4543) to prospective bidders, prime contractors and subcontractors at the meeting.
4. **Bid and Good Faith Efforts Requirements.** Sponsor Agency shall direct the prime contractor to comply with all of the requirements for submitting a bid as prescribed by the LBCE Program, including LBCE Program Appendix C (Good Faith Efforts for Construction Contracts) and LBCE Program Exhibit B2 (Sample Program Compliance Language: Construction), including but not limited to the following:
 - a. All firms to be utilized to meet the LBE and/or SLBE goal must be certified by Alameda CTC prior to bid opening.
 - b. All work performed by LBE, SLBE, and/or VSLBE firms, including any subconsultant and/or vendor regardless of tier and subcontract amount, should be clearly identified and the percentage of their involvement indicated.
 - c. Proof of certification must be submitted with the bid.
 - d. A bidder that fails to meet the LBE or SLBE goal on a construction contract shall not be awarded the contract unless the Good Faith Efforts requirements are met.

This page intentionally left blank

SAMPLE PROGRAM COMPLIANCE LANGUAGE: CONSTRUCTION

For Alameda CTC-funded projects subject to the Local Business Contract Equity (LBCE) Program

Note to Project Sponsor: Be sure that your legal staff reviews and approves all procurement documents before issuance. This language shall be included in all construction bid packages which are subject to the LBCE Program. Please confer with Alameda CTC prior to modifying any of this language to fit your particular requirements and project.

TABLE OF CONTENTS

I. SPECIAL PROVISIONS..... 2

- A. *Alameda County Transportation Commission Local Business Contract Equity Program*.. 2
- B. *LBE and SLBE Goals*..... 2
- C. *Bid Requirements and Conditions*..... 2
- D. *Good Faith Efforts Requirements*..... 3
- E. *Award of Contract*..... 4
- F. *Equal Employment Opportunity*..... 5
- G. *Monthly LBE/SLBE/VSLBE Utilization Report*..... 5
- H. *Penalties for Violation of LBCE Program Requirements*..... 5
- I. *LBE, SLBE and/or VSLBE Records*..... 6
- J. *LBE, SLBE and/or VSLBE Participation and Substitution*..... 6
- K. *Prompt Payment*..... 7

FORM 1: LIST OF PARTICIPATING FIRMS AND LBE/SLBE/VSLBE UTILIZATION..... 8

FORM 1-1: GOOD FAITH EFFORTS DOCUMENTATION CHECKLIST..... 9

FORMS 2-1 TO 2-3: GOOD FAITH EFFORTS REPORT FORMS..... 11

FORM 2-1: GOOD FAITH EFFORTS REPORT LBE/SLBE/VSLBE GOOD FAITH EFFORTS TELEPHONE LOG..... 12

FORM 2-2: GOOD FAITH EFFORTS REPORT LIST REJECTED LBE, SLBE AND/OR VSLBE FIRM(S)..... 13

FORM 2-3: GOOD FAITH EFFORTS REPORT INFORMATION FURNISHED TO INTERESTED LBE, SLBE AND/OR VSLBE FIRMS..... 14

FORM 3: MONTHLY LBE/SLBE/VSLBE UTILIZATION REPORT..... 15

FORM 4-1: EXIT REPORT AND AFFIDAVIT..... 16

FORM 4-2: FINAL PROGRESS PAYMENT APPLICATION..... 17

FORM 5: AFFIDAVIT OF NON-DISCIPLINARY OR INVESTIGATORY ACTION..... 18

I. SPECIAL PROVISIONS

A. Alameda County Transportation Commission Local Business Contract Equity Program

Bidders are hereby notified that they must comply with the Alameda County Transportation Commission (Alameda CTC) Local Business Contract Equity (LBCE) Program, which provides for the participation of Local Business Enterprise (LBE), Small Local Business Enterprise (SLBE), and/or Very Small Local Business Enterprise (VSLBE) firms. As part of such compliance, each Bidder must meet:

- Certain goals for LBE and SLBE participation as described further herein, **OR**
- Applicable good faith efforts criteria.

The good faith efforts requirements are specified in the LBCE Program. By entering into a construction contract with the Alameda CTC and/or a Sponsor Agency, the selected contractor agrees that it will fully comply with the provisions of the LBCE Program.

For assistance or questions related to Alameda CTC LBCE Program, including LBE, SLBE, and VSLBE certifications, please contact the Alameda CTC LBCE Certification Unit:

Alameda CTC LBCE Certification Unit			
Email Address:	certification@alamedactc.org	Mailing Address:	Alameda CTC
Phone:	(510) 208-7400		1111 Broadway, Suite 800
Fax:	(510) 893-6489		Oakland, California 94607

B. LBE and SLBE Goals

The goal for participation by LBEs is 60.0% of the total contract amount. The goal for participation by SLBEs is 20.0% of the total contract amount. There is no separate goal for VSLBE participation. Participation by SLBE and VSLBE contractors, subcontractors, suppliers and truckers may be used to meet both the LBE and SLBE goals.

LBE, SLBE, and VSLBE firms must be certified by Alameda CTC prior to bid opening.

Further details regarding the LBCE Program, including requirements, forms, and the current list of certified LBE, SLBE and VSLBE firms, are available via the Alameda CTC website or may be obtained upon request from the LBCE Certification Unit.

C. Bid Requirements and Conditions

Each Bidder shall provide individual dollar amounts contracted to LBE, SLBE, and/or VSLBE firms listed in the Bid on the utilization form entitled "List of Participating Firms and LBE/SLBE/VSLBE Utilization" (Form 1). Form 1 shall be included with the bid submittal. The information supplied by a Bidder shall be certified by a principal of the firm. Dollar amounts will be treated as proprietary, and will be solely for use of the Sponsor Agency and Alameda CTC staff.

The bid submittal shall show whether the LBE and SLBE goals will be met, and shall include the names of LBE, SLBE, and/or VSLBE joint venture partners to be used, with a complete description of work or supplies to be provided by each and the dollar value of each such LBE, SLBE and/or VSLBE transaction. When a LBE, SLBE or VSLBE firm will perform or furnish less than 100 percent of a contract item of work, a description of the exact portion of said item of work to be performed or furnished by that LBE, SLBE and/or

VSLBE shall be included in the LBE/SLBE/VSLBE information, including the planned location of said work.

It is the Bidder’s responsibility to meet the goals for LBE and SLBE participation or to provide information to establish that, prior to bidding, the Bidder made good faith efforts to do so.

All Bidders shall also submit the LBCE Program Good Faith Efforts Documentation Checklist (Form 1-1) to the Sponsor Agency with the bid documents. If a Bidder fails to meet the LBE and/or SLBE goals, that Bidder must submit the Good Faith Efforts Report (Forms 2-1, 2-2, and 2-3) and any supporting documentation **no later than 5:00 p.m. Pacific Time on the fourth calendar day following bid opening.** The Good Faith Efforts Report shall contain the total dollar amount to be subcontracted, including trucking and suppliers, and full documentation of the Bidder’s good faith efforts as detailed in these Special Provisions and outlined in Form 1-1.

Each Bidder must submit with their Bid an Affidavit of Non-Disciplinary or Investigatory Action (Form 5) attesting that no adverse action has been taken against them by the Equal Opportunity Commission, State of California Department of Fair Employment and Housing, or the U.S. Department of Labor Contract Compliance Program, or provide an explanation for any such actions, except in cases where legal action is pending.

Failure to submit ALL of the required LBE, SLBE, and/or VSLBE information by the deadlines specified under these Special Provisions, including any required documentation of Good Faith Efforts, will be grounds for finding the bid non-responsive.

D. Good Faith Efforts Requirements

The Good Faith Efforts Report (Forms 2-1, 2-2, and 2-3) shall serve as evidence to support Bidder’s efforts, as indicated on the LBCE Program Good Faith Efforts Documentation Checklist (Form 1-1). It must, at minimum, list the names of all LBE, SLBE, and/or VSLBE firms contacted by the Bidder, including the name and title of each person specifically contacted; the dates on which contacts were attempted and made; the specific items of work whose performance by the LBE, SLBE, and/or VSLBE firm was sought; the dates that plans and specifications for the work were made available to the LBE, SLBE, and/or VSLBE firm, what technical assistance was offered to the LBE, SLBE, and/or VSLBE firm, and the reasons that the Bidder rejected any bid by an LBE, SLBE, and/or VSLBE firm. Copies of all correspondence between the Bidder and the LBE, SLBE, and/or VSLBE firms and any other documents relating to the Bidder’s Good Faith Efforts must be submitted with the Good Faith Efforts Report (Forms 2-1, 2-2, and 2-3).

A Bidder shall be deemed to have made good faith efforts based on an analysis of documentary evidence demonstrating that the Bidder undertook the actions itemized below in its efforts to meet the LBE and SLBE goals, if the Bidder achieves 70 out of 100 GFE Points:

Criteria	Points
1. Attend pre-bid meeting scheduled by the Sponsor Agency to inform all Bidders about the Alameda CTC LBCE Program requirements for the project for which the contract will be awarded. The Sponsor Agency must have a record of Prime Contractor’s signature on the attendance sheet.	5
2. Identify specific items of work to be performed by LBE, SLBE, and VSLBE firms in order to increase the likelihood of meeting the LBE and SLBE goals. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate LBE, SLBE, and/or VSLBE participation.	15

Criteria	Points
3. Advertise, not less than ten (10) business days before the bid opening date, in one or more daily or weekly newspapers, trade association publications, trade journals, or other media that may be specified by Alameda CTC and/or the Sponsor Agency to solicit LBE, SLBE, and/or VSLBE firms that are interested in participating in the project.	10
4. Issue written notice of Bidder's interest in soliciting LBE, SLBE, and VSLBE firms. Written notice shall specify which items of work the Bidder has identified pursuant to Item 2 above. This notice shall be provided to LBE, SLBE and VSLBE firms within five (5) calendar days after the pre-bid meeting.	15
5. Follow up on the written notice of interest by contacting the owner or other manager of the LBE, SLBE and/or VSLBE firms to determine with certainty whether such firms were interested in performing specific items of the project. The Bidder is required to document the follow-up activities, including: copies of all communications, written documentation stating the date and method of contact, and the reason(s) for not using a firm.	20
6. Make the project plans, specifications, and requirements for the specified work items or material supply work available for review by interested LBE, SLBE and/or VSLBE firms. The Bidder is required to provide a list of all LBE, SLBE and VSLBE firms to whom the project information was made available, document the method of contact, and include copies of the notification(s).	5
7. Advise and make efforts to assist interested LBE, SLBE and/or VSLBE firms, as needed, in obtaining lines of credit, or required insurance.	5
8. Negotiate in good faith with LBE, SLBE and/or VSLBE subcontractors. The Bidder shall provide evidence that negotiations with LBE, SLBE and VSLBE firms were conducted in good faith by documenting and providing names, addresses and email addresses of LBE, SLBE and VSLBE firms that were considered. To the extent that the Bidder negotiated with LBE, SLBE and VSLBE firms and did not select such firms for the work, the Bidder shall provide written documentation detailing why agreement could not be reached with LBE, SLBE and VSLBE firms.	25
Total GFE Points Possible:	100

E. Award of Contract

Award of contract, if made, will be to the lowest responsive and responsible Bidder: whose bid complies with the requirements prescribed; who has met the goals for LBE and/or SLBE participation or has demonstrated, to the satisfaction of Alameda CTC, that good faith efforts were made to do so; **and** who agrees to comply with the requirements of the LBCE Program as conditions for being eligible for award of contract.

A completed Form STD-204 "Payee Data Record" (available on the California Department of Transportation website at <http://dot.ca.gov/hq/construc/forms.htm>) will be required in Contract Documents to be executed by the successful Bidder. The purpose of the Payee Data Record form is to facilitate the collection of taxpayer identification data. The form shall be completed and returned to the Sponsor Agency by the successful Bidder with the executed contract and contract bonds. For the purposes of the Payee Data Record form, "payee" shall be deemed to mean the successful Bidder. The form is not to be completed for subcontractors or suppliers. Failure to complete and return the "Vendor Data Record" form to the Sponsor Agency as provided herein will result in the retention of 20 percent of payments due to the Contractor and penalties of up to \$20,000. This retention of payments for failure to complete the "Payee Data Record" form is in addition to any other retention of payments due the Contractor.

The successful Bidder (Contractor) shall submit a proposed draft copy of its contract with each subcontractor that will be working on the project to the Sponsor Agency within ten (10) business days of their receipt of the

Notice of Award of Contract. The Contractor shall submit a copy of the executed contract with their subcontractors prior to the commencement of construction work.

F. Equal Employment Opportunity

The Contractor shall not, on the grounds of race, color, sex, gender, sexual orientation, gender identity, gender expression, age, religion, creed, national origin, ancestry, physical handicap, medical condition, genetic information, military/veteran status, or marital status either discriminate or permit discrimination against any employee or applicant for employment in any manner prohibited by Federal, State or local laws. Failure to carry out the requirements of this paragraph shall constitute a breach of contract and may result in termination of this contract or such other remedy as the Sponsor Agency may deem appropriate.

G. Monthly LBE/SLBE/VSLBE Utilization Report

The Contractor shall submit a Monthly LBE/SLBE/VSLBE Utilization Report (Form 3) to the Engineer, which will be included in each month's request for partial payment. The Engineer will submit such report and a copy of the approved Contractor's monthly partial payment to the Sponsor Agency's Contract Compliance Officer. These monthly reports shall document the work performed by certified LBE, SLBE and VSLBE firms, the dollar value of the work performed by such firms, the percentage of the contract completed, and the amount actually paid to the firms. All first-tier subconsultants/subcontractors are to be listed. Lower tier subconsultants/subcontractors must be listed if prime and first-tier subconsultants/subcontractors combined do not meet LBE and/or SLBE, requirements. The Sponsor Agency will monitor compliance with contract requirements for LBE and/or SLBE, firms based on the submitted monthly report.

The Contractor shall be responsible for the accuracy of the percentage and dollar values used in Form 3. If any monthly submittal indicates potential problems, such as a failure to comply with the LBE and SLBE contract goals, the Contractor shall meet with the Sponsor Agency or its representative(s) to address any deficiencies and appropriate corrective actions. Full compensation for conforming with the requirements herein shall be considered as included in the contract prices paid for the various contract items of work involved and no additional compensation will be allowed therefor.

H. Penalties for Violation of LBCE Program Requirements

When a contract subject to this LBCE Program is awarded and Alameda CTC and/or Sponsor Agency has cause to believe that any bidder, prime contractor, or subcontractor has willfully failed to comply with any of the provisions of this LBCE Program, either Alameda CTC or the Sponsor Agency may conduct an investigation. In order to complete its investigation, Alameda CTC or Sponsor Agency may require reports, information and documentation from bidders, prime contractors, subcontractors, and/or the Sponsor Agency, as are reasonably necessary to determine compliance with the requirements of this LBCE Program.

The sanctions that may be imposed for each violation of this LBCE Program are as follows:

- 1) Imposing a fine;
- 2) Suspending the contract until violation is remedied;
- 3) Terminating the contract; and
- 4) Disqualifying the bidder, the contractor, subcontractor or other business from eligibility for providing goods or services to the Alameda CTC for a period of up to three years.

I. LBE, SLBE and/or VSLBE Records

The Contractor shall maintain certain records for a period of five (5) years after Alameda CTC's payment of the final invoice. These records will be made available for inspection upon request by an authorized representative of Alameda CTC and shall include the following:

- 1) The name and address of each first-tier subcontractor;
- 2) The name and business address, regardless of tier, of every LBE, SLBE and/or VSLBE subcontractor;
- 3) The date of payment and the total dollar amount paid to each subcontractor; and
- 4) The date of work performed by each subcontractor's workforce along with the corresponding dollar value of the work claimed toward the applicable LBCE goal.

Such records also include all subcontracts entered into with certified LBE, SLBE, and/or VSLBE subcontractors and records of materials purchased from certified LBE, SLBE, and/or VSLBE suppliers. These records will be made available for inspection upon request by Alameda CTC or the Sponsor Agency.

Semi-annual reports of the year to date payments made to each LBE, SLBE and VSLBE subcontractor shall be submitted to Alameda CTC or the Sponsor Agency upon request.

Upon completion of the contract, a summary of these records shall be prepared on the Exit Report and Affidavit Form (Form 4-1) and certified correct by the Contractor or its authorized representative thereof, and thereafter furnished to the Engineer.

J. LBE, SLBE and/or VSLBE Participation and Substitution

The LBE, SLBE, and/or VSLBE firms listed by the Contractor in response to the requirements of these Special Provisions, which are determined by Alameda CTC to be certified LBE, SLBE, and/or VSLBE firms, shall perform the work and supply the materials for which they are listed unless the Contractor has received prior written authorization to perform the work with other forces or to obtain the materials from other sources.

The Contractor shall make its best efforts to maintain the LBE, SLBE, and/or VSLBE participation commitment established in the contract throughout the term of the contract and by the completion of the contract. Such best efforts shall also be applied to any increase in the amount or scope of the contract implemented by change order. Toward that end, the Contractor shall make its best efforts to solicit bids for the new work from at least three (3) LBE, SLBE, and/or VSLBE firms prior to selecting a new subcontractor to perform the work. The requirement in these Special Provisions, that LBE, SLBE and VSLBE firms must be certified prior to bid opening, does not apply to LBE, SLBE, and/or VSLBE substitutions made after award of the contract. Any modification to the original participation level shall be approved by Alameda CTC.

Authorization to utilize other forces or sources of materials may be requested for the following reasons:

- 1) The listed LBE, SLBE, and/or VSLBE firm, after having had a reasonable opportunity to do so, fails or refuses to execute a written contract, when such written contract, based upon the general terms, conditions, plans and specifications for the project, or on the terms of such subcontractor's or supplier's written bid, is presented by the Contractor.
- 2) The listed LBE, SLBE, and/or VSLBE firm becomes bankrupt or insolvent.
- 3) The listed LBE, SLBE, and/or VSLBE firm fails or refuses to perform its subcontract or furnish the listed materials.

- 4) The Contractor stipulated that a bond was a condition of executing a subcontract and the listed LBE, SLBE, and/or VSLBE subcontractor fails or refuses to meet the bond requirements of the Contractor.
- 5) The work performed by the listed subcontractor is substantially unsatisfactory and is not in substantial accordance with the plans and specifications, or the subcontractor is substantially delaying or disrupting the progress of the work.
- 6) It would be in the best interest of the Sponsor Agency.

Any substitution of LBE, SLBE, and/or VSLBE subcontractor(s) must be approved in writing beforehand by Alameda CTC, or by the Sponsor Agency with written consent from Alameda CTC. If an LBE, SLBE, and/or VSLBE subcontractor is unable to perform successfully and the Engineer seeks to replace such subcontractor, then the Sponsor Agency or the Contractor shall notify Alameda CTC and respectively seek written consent or approval to substitute such subcontractor. Alameda CTC may investigate the circumstances surrounding the request for substitution. The Contractor shall make its best efforts to replace the original LBE/SLBE/VSLBE firm with another firm that shall count toward the same participation (e.g., an LBE firm may be substituted by an LBE, SLBE or VSLBE). To that end, the Contractor shall make its best efforts to solicit bids for the work from three (3) LBE, SLBE, and/or VSLBE firms prior to selecting a new subcontractor to perform the work.

The Contractor shall not be entitled to any payment for such work or material unless it is performed or supplied by the listed LBE, SLBE, and/or VSLBE firm or by other forces (including those of the Contractor) pursuant to prior written authorization of the Engineer.

The Contractor shall submit monthly documentation to the Engineer that shows the amount paid to LBE, SLBE and VSLBE firms, include truckers under trucking brokers listed in the Contractor's LBE, SLBE, and VLSBE information.

K. Prompt Payment

The Contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than ten (10) calendar days from the receipt of each payment the Contractor receives from the Sponsor Agency. Any delay or postponement of payment over thirty (30) days may take place only for good cause and with Sponsor Agency's prior written approval. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the Contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the Contractor, deficient subconsultant performance, and/or noncompliance by a subconsultant. This clause applies to LBE, SLBE, and VSLBE and non- LBE, SLBE and VSLBE Subcontractors.

The Contractor further agrees to release retainage payments to each subcontractor within thirty (30) calendar days after the subcontractor's work is completed and accepted. Any delay or postponement of payment over thirty (30) days may take place only for good cause and with Sponsor Agency's prior written approval. This clause applies to LBE, SLBE, and VSLBE and non- LBE, SLBE and VSLBE subcontractors.

FORM 1: LIST OF PARTICIPATING FIRMS AND LBE/SLBE/VSLBE UTILIZATION

(SUBMIT WITH BID)

The Bidder shall list the name and address of the prime contractor and each subcontractor to whom the Bidder proposes to subcontract portions of the work, as required by the Special Provisions in Section D (Good Faith Efforts Requirements).

The Bidder shall list the dollar amount of the contract, check whether the prime contractor and each subcontractor is a LBE, SLBE or VSLBE contractor, and include proof of certification with this form.

Name and Address of each Firm Participating on the Project (prime contractor and all subcontractors)	Check all that apply:			Description of Work	Percent of Project Work	Dollar Amount
	LBE	SLBE	VSLBE			

Prime Contractor:

_____ Firm

_____ Name of Authorized Officer (Print Legibly or Type)

_____ Signature of Authorized Officer Date

FORM 1-1: GOOD FAITH EFFORTS DOCUMENTATION CHECKLIST

(SUBMIT WITH BID)

To be completed by all Bidders in order to document substantial Good Faith Efforts (GFEs) in an attempt to meet the LBCE Program participation goals for Alameda CTC-certified Local Business Enterprise (LBE) and Small Local Business Enterprise (SLBE) subcontractors, suppliers, and/or truckers.

Name of Bidder (Print Legibly or Type): _____

BIDDER MUST INITIAL ALL OF THE FOLLOWING ACTIONS THAT APPLY:

Criteria	Points	Initials
1. Bidder attended pre-bid meetings scheduled by the Sponsor Agency.	5	
2. Bidder identified specific items of work to be performed by LBE, SLBE, and VSLBE firms including, where appropriate, breaking out contract work items into economically feasible units.	15	
3. Bidder advertised, not less than ten (10) business days before the bid opening date, in one or more daily or weekly newspapers, trade association publications, trade journals, or other media that may be specified by Alameda CTC and/or the Sponsor Agency to solicit LBE, SLBE, and/or VSLBE firms that are interested in participating in the project.	10	
4. Bidder issued written notice of its interest in soliciting LBE, SLBE, and VSLBE firms, and such notice (i) identified specific items of work pursuant to Criteria No. 2 above, and (ii) was provided to LBE, SLBE and VSLBE firms within five (5) calendar days after the pre-bid meeting.	15	
5. Bidder followed up on the written notice of interest by contacting the owner or other manager of the LBE, SLBE and/or VSLBE firms to determine with certainty whether such firms were interested in performing specific items of the project. Bidder documented the follow-up activities, including: copies of all communications, written documentation stating the date and method of contact, and the reason(s) for not using a firm.	20	
6. Bidder made the project plans, specifications, and requirements for the specified work items or material supply work available for review by interested LBE, SLBE and/or VSLBE firms. Bidder provided a list of all LBE, SLBE and VSLBE firms to whom the project information was made available, documented the method of contact, and included copies of the notification(s).	5	
7. Bidder advised and made efforts to assist interested LBE, SLBE and/or VSLBE firms, as needed, in obtaining lines of credit, or required insurance.	5	
8. Bidder negotiated in good faith with LBE, SLBE and/or VSLBE firms and documented such efforts by providing names, addresses and email addresses of such firms that were considered. To the extent that the Bidder negotiated with these firms and did not select such firms for the work, the Bidder has provided written documentation detailing why agreement could not be reached these firms.	25	
Total GFE Points Possible:	100	

Bidder certifies that all actions marked on the checklist were performed by the Bidder prior to the bid opening date. Failure to complete the above checklist may result in a determination that the bid to be non-responsive. This checklist is not intended to be a waiver of or modification to any of the Specifications included in the Contract Specifications or in other Contract documents. Each Bidder must comply with all Specifications and Contract documents.

The undersigned states that the representations made herein are made under penalty of perjury.

Name of Authorized Officer of Bidder Firm (Print Legibly or Type)

Signature of Authorized Officer of Bidder Firm

Date

FORMS 2-1 TO 2-3: GOOD FAITH EFFORTS REPORT FORMS

This information shall be included with documentation of your good faith efforts.

Bidders shall submit the following information to demonstrate that good faith efforts to meet the LBE and/or SLBE goal(s) have been made if their List of Participating Firms and LBE/SLBE/VSLBE Utilization (Form 1) indicates that the LBE, SLBE, and/or VSLBE goal will not be met.

Even if the Bidder's completed Form 1 appears to indicate that the LBE and/or SLBE goal(s) will be met, Bidders are strongly advised to submit the following information to protect their eligibility for award of the contract. This is important because the submittal of only the Bidder's completed Form 1 will not be sufficient information to demonstrate that good faith efforts were made. A Bidder may not meet the LBE and/or SLBE goal(s) after submittal is analyzed by the Sponsor Agency for various reasons; e.g. if the subcontractor submitted by the Bidder was not certified on the date bids were opened or if the Bidder made a mathematical error. In the event of such subsequent determination that the goals will not be met, such bid will be deemed non-responsive if the Bidder failed to submit evidence of good faith efforts documentation by no later than 5:00 p.m. Pacific Time on the fourth calendar day after bid opening.

**FORM 2-1: GOOD FAITH EFFORTS REPORT
LBE/SLBE/VSLBE GOOD FAITH EFFORTS TELEPHONE LOG**

(SUBMIT BY NO LATER THAN 5:00 P.M. PACIFIC TIME ON THE FOURTH CALENDAR DAY AFTER BID OPENING)

Submit the names, dates and times of notices of all certified LBE, SLBE, and/or VSLBE firms solicited by telephone for this project and the dates, times and methods used for following up initial solicitations to determine with certainty whether the LBE, SLBE, and/or VSLBE firms were interested in performing the work using the form provided:

Name of LBE/SLBE/VSLBE Solicited	Phone Number	Date	Time	Follow-up Methods	Date	Time	Results

Contract No. _____ Project Name: _____

Prime Contractor: _____

**FORM 2-2: GOOD FAITH EFFORTS REPORT
 LIST REJECTED LBE, SLBE AND/OR VSLBE FIRM(S)**

(SUBMIT BY NO LATER THAN 5:00 P.M. PACIFIC TIME ON THE FOURTH CALENDAR
 DAY AFTER BID OPENING)

Provide the information requested on the following form: the names of LBE, SLBE, and VSLBE firms who submitted bids for any of the work indicated above which were not accepted, a summary of the Bidder's discussions and/or negotiations with such forms, the name of the subcontractor or supplier that was selected for that portion of the work, and the reason for the Bidder's choice. If the reason for rejecting a LBE, SLBE, and/or VSLBE bid was due to price, give the price bid by the rejected LBE, SLBE, and/or VSLBE firm and the price bid by the selected subcontractor or supplier. Since the utilization of available LBE, SLBE, and/or VSLBE firms is expected, only significant price differences will be considered as cause for rejecting such LBE, SLBE and/or VSLBE firm's bids.

Name of Rejected LBE, SLBE and/or VSLBE Firm(s)	Summary of Discussions and Negotiations	Reason for Rejection of the LBE, SLBE and/or VSLBE Firm(s)	Name of Subcontractor(s) or Supplier(s) Selected Over the Rejected LBE, SLBE and/or VSLBE Firm(s)	Assistance Extended to LBE, SLBE and/or VSLBE Firms to Remedy Deficiency in Sub-Bid

NOTE: USE ADDITIONAL SHEETS OF PAPER IF NECESSARY.

FORM 2-3: GOOD FAITH EFFORTS REPORT
INFORMATION FURNISHED TO INTERESTED LBE, SLBE AND/OR VSLBE FIRMS

(SUBMIT BY NO LATER THAN 5:00 P.M. PACIFIC TIME ON THE FOURTH CALENDAR DAY AFTER BID OPENING)

List items of work for which the Bidder requested sub-bids or materials to be supplied by LBE, SLBE and/or VSLBE firms, the information furnished to interested LBE, SLBE and/or VSLBE firms in the way of plans, specifications and requirements for the work, and any breakdown of items of work into economically feasible units to facilitate LBE, SLBE and/or VSLBE firms' participation. Where there are LBE, SLBE and/or VSLBE firms available for doing portions of the work economically and/or normally performed by the Bidder with its own forces, the Bidder will be expected to make portions of such work into economically feasible and available units to facilitate LBE, SLBE and/or VSLBE firms' participation.

1. Items of Work:

2. Information Furnished:

3. Breakdown of Items:

4. Any additional data to support a demonstration of good faith efforts, such as contact with LBE/SLBE/VSLBE assistance agencies:

NOTE: USE ADDITIONAL SHEETS OF PAPER IF NECESSARY. APPROPRIATE DOCUMENTATION SUCH AS COPIES OF NEWSPAPER ADS, LETTERS SOLICITING BIDS AND TELEPHONE LOGS SHOULD ACCOMPANY THIS FORM.

FORM 4-1: EXIT REPORT AND AFFIDAVIT

To be completed by the Prime Contractor, including all joint venture partners, if any, and submitted to the Sponsor Agency with the final progress payment application.

Distribution: Original – Sponsor Agency, Copy – Alameda CTC LBCE Liaison Officer. Include with Final Report of Expenditures.

Transmittal: Original – Sponsor Agency, Copy – Alameda CTC

From Contractor: _____

Date Transmitted: _____ Reporting Date: _____

I/We declare, under penalty of perjury under the laws of the State of California, that the information on 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 fifteen (15) days after the date of the final payment under the Contract. Prime Contractor, including each joint venture partner, must sign this form:

1.	
Firm Name	
Name & Title (Print Legibly or Type)	Telephone
Owner/Authorized Representative (Signature)	Date
2.	
Firm Name	
Name & Title (Print Legibly or Type)	Telephone
Owner/Authorized Representative (Signature)	Date

FORM 4-2: FINAL PROGRESS PAYMENT APPLICATION

List Prime Contractor, each joint venture partner, and all subcontractors:

Firm Name	Certification (LBE, SLBE, and/or VSLBE)	Portion of Work	Amount of Progress Payments Paid to Date	Amount Owing under the Contract including all Change Orders, Amendments and Modifications	Owner/Authorized Representative Signature (Prime Contractor, each Joint Venture Partner, and All Subcontractors)
TOTAL					

FORM 5: AFFIDAVIT OF NON-DISCIPLINARY OR INVESTIGATORY ACTION

Prime Contractor, including each joint venture partner, must sign this form and submit with bid.

The Bidder hereby certifies that:

- No adverse action has been taken** against Bidder by the Equal Opportunity Commission, State of California Department of Fair Employment and Housing, or the U. S. Department of Labor Contract Compliance Program.
- Adverse action has been taken**, except in cases where legal action is pending; attached hereto is a detailed explanation of the reason for such action, the party instituting such action, and the status or outcome of such action.

1.	
Firm Name	
Name & Title (Print Legibly or Type)	Telephone
Owner/Authorized Representative (Signature)	Date
2.	
Firm Name	
Name & Title (Print Legibly or Type)	Telephone
Owner/Authorized Representative (Signature)	Date
3.	
Firm Name	
Name & Title (Print Legibly or Type)	Telephone
Owner/Authorized Representative (Signature)	Date



Memorandum

5.3

1111 Broadway, Suite 800, Oakland, CA 94607 • 510.208.7400 • www.AlamedaCTC.org

DATE: February 25, 2021

TO: Alameda County Technical Advisory Committee

FROM: Vivek Bhat, Director of Programming and Project Controls
John Nguyen, Principal Transportation Planner

SUBJECT: COVID-19 Rapid Response Bicycle and Pedestrian Grant Program (RRPG) update

Recommendation

This item is for information only. ACTAC members will provide updates on their RRPG projects.

Background

On July, 23, 2020, the Commission approved the release of the Measure B COVID-19 Rapid Response Bicycle and Pedestrian Grant Program (RRPG) to support local jurisdiction efforts to implement quick-build transportation measures to serve the present need for greater bicycle and pedestrian access through local community areas and businesses districts in light of social distancing guidelines.

On November 19, 2021, the Commission approved the COVID-19 RRGP and allocated \$904,000 of Measure B Bicycle and Pedestrian Discretionary funds to thirteen quick-build projects identified on Attachment A. Project sponsors committed to implement their proposed improvements by March 31, 2021.

ACTAC members will provide an update on their respective projects at the meeting.

Fiscal Impact: There is no fiscal impact. This is an information item.

Attachment:

- A. COVID-19 Rapid Response Bicycle and Pedestrian Grant Program Funding Summary

This page intentionally left blank

Alameda County Transportation Commission

COVID-19 Rapid Response Bicycle/Pedestrian Grant Program

Application Summary

No.	Project Sponsor	Project Title	Project Description	Measure B COVID RRGF	Local Match	Total Project Cost
1	Alameda County	Unincorporated Alameda County Bicycle Route Signage	Implementation of bicycle routes signage from the 2019 Bicycle/Pedestrian Master Plan for Unincorporated Alameda County. Various project locations include Ashland/Cherryland Communities of concern local, collector, and arterial roadways.	\$ 40,000	\$ 40,000	\$ 80,000
2	Alameda	Alameda Commercial and Slow Streets Program	Enhance and expand both the Commercial and Slow Streets program by installing more substantial and, as appropriate, semi-permanent infrastructure; to repair, maintain and replace signs and barricades; to expand the Slow Streets program to more streets by purchasing additional barricades and signs; to make striping adjustments to Park and Webster Streets, as needed; and other similar efforts.	\$ 75,000	\$ 75,000	\$ 150,000
3	Albany	Solano and Marin Ave Sidewalk Improvements	Implement sidewalk improvements on Solano and Marin Avenues repair sidewalk conditions and accessibility. This will improve pedestrian access to local businesses, restaurants, and employment centers by reducing trip hazards and increasing ADA mobility throughout the corridor.	\$ 75,000		\$ 75,000
4	Berkeley	Berkeley Healthy Streets Program Expansion	Expand Berkeley's Healthy Streets Program which entails installing signs and barricades to divert motor vehicle traffic away from certain streets in order to provide space for physical distancing and essential travel.	\$ 52,000	\$ 52,000	\$ 104,000
5	Dublin	Regional Street Improvement Project	Install buffered bike lanes on Regional Street within the Downtown Dublin area. Goal of the project is to design Regional Street as a "slow street" with an emphasis on bicycle and pedestrian infrastructure.	\$ 75,000	\$ 75,000	\$ 150,000
6	Emeryville	Shared Doyle Street Quick-Build Project	Installed permanent traffic calming measures along Doyle Street to meet increased outdoor recreation demand. This includes street closures, lane reconfiguration, and open space concepts.	\$ 75,000	\$ 150,000	\$ 225,000
7	Fremont	Centerville Complete Streets Pilot Road Diet	Improvements on Fremont Boulevard from Parish Avenue to Thornton Avenue and include removal of one northbound vehicle lane, with the resulting additional space allocated to the enhanced on-street bicycle facilities, such as parking protected bicycle and buffered bicycle lanes. The project will also include creation of pop up patios that will allow adjacent restaurants and retail businesses to provide expanded dining and retail areas.	\$ 75,000	\$ 75,000	\$ 150,000
8	Hayward	Patrick Avenue Traffic Calming Improvement Project	install three (3) Rectangular Rapid Flashing Beacons (RRFBs), safe-hit delineator posts on both sides of Patrick Avenue for a class IV separated bicycle facility, and green bike lanes. The proposed project is located in a Community of Concern (COC) and Priority Development Area (PDA).	\$ 75,000	\$ 75,922	\$ 150,922
9	Livermore	Downtown Livermore Bicycle Parking Project	Install new bike parking (bike racks and bike lockers) and replacing single post bike rack in Livermore's Downtown Priority Development area. Bike parking will be installed along most blocks of First and Second Streets, portions of Third Street adjacent to Carnegie Park and at the Transit Center. This will increase the available number of available bike parking from 39 to 214 to support bike access in Downtown Livermore businesses and retail shops.	\$ 75,000	\$ 75,000	\$ 150,000
10	Newark	Jarvis Avenue Class II Buffered Bike Lanes	Upgrade existing Class II bike lanes to Class II buffered bike lanes in both directions of Jarvis Avenue between Newark Boulevard and Gateway Boulevard. Safety improvements will also be installed at various transition and conflict zones by incorporating high visibility "green" pavement markings to improve access and safety to businesses and community areas.	\$ 75,000	\$ 75,000	\$ 150,000
11	Oakland	Citywide Bicycle/Pedestrian Rapid Response Enhancements	Enhance existing, temporary safety installations with more durable improvements, including signage, striping, markers and modular curb to build on Oakland's Slow Streets "Essential Places" and "Rapid Response" programs.	\$ 75,000	\$ 75,000	\$ 150,000
12	Pleasanton	Division Street/St. Mary's Street Cycle Track and Buffered Bike Lanes Project	Install a two-way cycle track and buffer bike lanes on Division Street/St. Mary's Street between Hopyard Road and downtown Pleasanton to help mitigate the temporary downtown parking loss, provide direct improvements for those traveling to the downtown from the west, and encourages residents and visitors to come to downtown Pleasanton and support local business.	\$ 62,000	\$ 62,000	\$ 124,000
13	Piedmont	No Application Submitted.	City stated no available near-term improvements.	\$ -	\$ -	\$ -
14	San Leandro	Lewelling Blvd Pedestrian Safety Rapid Flashing Beacons Project	Install Rectangular Rapid Flashing Beacons (RRFBs) at the following three intersections with Lewelling Blvd – Calgary Street, Dewey Street and Andover Street. Improved pedestrian safety at these particular intersections will increase access to nearby businesses.	\$ 75,000	\$ 75,000	\$ 150,000
15	Union City	No Application Submitted.	City stated no available near-term improvements by expenditure deadline.		\$ -	\$ -
Total				\$ 904,000	\$ 904,922	\$ 1,808,922

This page intentionally left blank