

## SAMPLE PROGRAM COMPLIANCE LANGUAGE: CONSTRUCTION

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

**Note to Sponsor Agency:** Your legal counsel may review and approve 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.

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## I. SPECIAL PROVISIONS

### A. Alameda County Transportation Commission Local Business Contract Equity Program

Alameda CTC established the LBCE Program to create economic growth and jobs within the county by requiring local contracting that supports residents and businesses in Alameda County.

The 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 contracts funded either in whole or in part by VRF, Measure B, and/or Measure BB funds and (i) administered by Alameda CTC or (ii) related to, or in support of, a sponsor agency-administered capital project.

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 effort (GFE) criteria.

The GFE 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 Team:

LBCE Certification Team  
(510) 208-7460  
certification@alamedactc.org

### B. LBE and SLBE Goals

**The goal for participation by LBE firms is 60.0% of the total contract amount. The goal for participation by SLBE firms is 20.0% of the total contract amount. The percentage of participation toward each goal shall be rounded to the nearest tenth of a percent (e.g., i.e., 19.9% does not round up for the SLBE goal). There is no separate goal for VSLBE firm participation. Participation by SLBE and VSLBE firms may be used to meet both the LBE and SLBE goals.**

LBE, SLBE, and/or 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 at [www.alamedactc.org/contract-equity](http://www.alamedactc.org/contract-equity) or may be obtained upon request from the LBCE Certification Team.

### 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 an authorized officer of the firm.

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).

The determination of whether the Bidder has made the requisite GFE to meet the goals must be based on the GFE documentation submitted by that Bidder by the applicable deadline; additional documentation provided after the deadline cannot be considered.

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. Any failure by the Bidder to include supporting documentation of a GFE and to achieve 70 out of 100 GFE evaluation points will render a bid non-responsive and will result in its rejection. Each of the eight (8) Good Faith Efforts Criteria is weighed based on the number of points allotted and evaluated on a pass-fail basis. For details on the GFE Evaluation Process, please review Appendix C of the LBCE Program.

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 or evidence that the Prime Contractor attended the pre-bid meeting.	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
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
<b>Total GFE Points Possible:</b>	<b>100</b>

**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 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**

Any delay or postponement of payment may take place only for good cause following written approval from the Sponsor Agency. Failure to comply with this provision with prior approval from the Sponsor Agency will constitute non-compliance, which may result in the application of appropriate sanctions. 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 C (Bid Requirements and Conditions).

The Bidder shall list the dollar amount of the contract, check whether the prime contractor and each subcontractor is LBE, SLBE and/or VSLBE certified, 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			

Totals	Percent of Project Work	Dollar Amount
<b>TOTAL LBE PARTICIPATION:</b>		
<b>TOTAL SLBE PARTICIPATION:</b>		
<b>TOTAL CONTRACT:</b>	<b>100.0%</b>	

**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 Bidder to document its Good Faith Efforts (GFEs) to meet the LBCE Program participation goals for Local Business Enterprise (LBE) and Small Local Business Enterprise (SLBE) firms. Each of the eight (8) Good Faith Efforts Criteria under Appendix C of the LBCE Program is weighed based on the number of points allotted and evaluated on a pass-fail basis.

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 meeting scheduled by the Sponsor Agency.	5	
2. Bidder identified specific items of work to be performed by LBE, SLBE, and/or VSLBE firms including, where appropriate, breaking out contract work items into economically feasible units to facilitate participation.	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 oriented publications, trade journals, or other media 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) specified 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 and provided written documentation (including copies of all communications) 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, telephone numbers, and email addresses of such firms that were considered. To the extent that the Bidder negotiated with such firms and did not select such firms for the work, the Bidder has provided written documentation for rejecting LBE and SLBE bids.	25	
<b>Total GFE Points Possible:</b>	<b>100</b>	

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.

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

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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 and/or SLBE goal(s) 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 or before 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 PAGES 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 PAGES 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)
<b>TOTAL</b>					

**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