

SAMPLE PROGRAM COMPLIANCE LANGUAGE: PROFESSIONAL SERVICES

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 contracts and solicitations for professional services 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. 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%

The percentage of participation toward each goal shall be rounded to the nearest tenth of a percent (i.e., 69.9% does not round for the LBE goal of 70.0% and 29.9% does not round up for the SLBE goal of 30.0%). LBE, SLBE, and VSLBE firm participation will count toward the LBE goal. SLBE and VSLBE firm participation will count toward the SLBE goal.

Further details regarding the LBCE Program, including requirements and forms, can be found on the Alameda CTC website at <https://www.alamedactc.org/get-involved/contract-equity/>, along with a list of all currently certified LBE, SLBE, and VSLBE firms. It is the responsibility of firms which to have participation counted toward the LBCE Program goals to ensure that they are appropriately certified by Alameda CTC on a timely basis. All firms utilized to meet an LBE, SLBE, and/or VSLBE 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 VSLBE 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 Alameda CTC:

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

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 and rounded to the nearest tenth of a percent (e.g., 29.9% does not round up for the SLBE goal of 30.0%), excluding costs for any optional task(s) and/or phase(s). Each proposer shall receive 5% of total scoring points for each goal achieved, for a maximum total of 10% of total scoring points. Points for this criterion are not prorated and shall be awarded on a pass/fail basis.

Proposer may reference Form B4: LBCE Participation from Alameda CTC Cost Proposal Form B; the other sheets within the workbook may be disregarded. Alameda CTC Cost Proposal Form B is available on the Alameda CTC website at <https://www.alamedactc.org/get-involved/contracting-forms> 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 and rounded to the nearest tenth of a percent (e.g., 29.9% does not round up for the SLBE goal of 30.0%), excluding costs for any optional task(s) and/or phase(s). Each proposer shall receive 20% of total scoring points for meeting the goal. Points for this criterion are not prorated and shall be awarded on a pass/fail basis.

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, or by [AGENCY] with written consent from 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 subconsultant. CONSULTANT must make good faith efforts to replace such 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 may investigate the circumstances surrounding the substitution request.

4. CONSULTANT 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 CONSULTANT will submit a Payment Request Form summarizing payments due. When paying CONSULTANT, [AGENCY] will include a Payment Request Form that reflects all approved items. CONSULTANT shall include an exact copy of this Payment Request Form with each payment to subconsultants.

5. CONSULTANT agrees to include any subconsultant's acceptable invoices with each Payment Request Form that it submits to [AGENCY] no later than thirty (30) calendar days after receipt of such invoice from the subconsultant.