



# CONTRACT MONITORING DIVISION CITY ADMINISTRATOR'S OFFICE



London N. Breed, Mayor  
Naomi M. Kelly, City Administrator

Stephanie Tang, Director

## **PW Various Locations Pavement Renovation No. 60 and Sewer Replacement 0000007995 Pre-Bid Meeting, March 30, 2023 @ 11:00 AM**

**CMD Contact Information:** Ivan Oldenkamp (415) 857-4604 [ivan.oldenkamp@sfgov.org](mailto:ivan.oldenkamp@sfgov.org)

CMD Attachment 1: Please read CMD Attachment 1 carefully. Chapter 14B requirements and forms are included in Attachment 1, which can be found in the specs or on CMD's website: <https://sfgov.org/cmd/file/2088>

### **LBE Bid Discount**

- San Francisco Micro-, Small-, and SBA LBE Primes will receive a 2% bid discount for this project. LBE primes that apply for the bid discount must be certified by the bid due date **4/12/2023**.
- If you are interested in becoming certified please contact our certification unit as soon as possible. Please be aware that CMD may not be able to complete the certification of new firms by the bid due date. Email [lbecert@sfgov.org](mailto:lbecert@sfgov.org) today or call **(415) 581-2310**.

**Prime Bidders must meet the LBE sub participation AND the Good Faith Outreach in order to be responsive! These are 2 separate requirements**

### **LBE subcontracting requirement(s)**

- The Micro-LBE subcontractor participation requirement for this Contract is 18.00% and the Small-LBE subcontractor participation requirement is 4.00%. To be responsive to CMD's Micro- and Small-LBE Requirements, Micro-LBEs must be listed for at least 18.00%. The remaining 4.00% may be met using a combination of Small and Micro-LBEs to achieve the overall total 22.00% Requirement.
- **Only San Francisco Micro and Small-LBEs** certified by CMD can be utilized to meet the LBE subcontracting requirements. A list of certified firms is available on the CMD website. LBE subs must be certified on the bid due date (**4/15/2023**) *and* they must be certified in the areas that they are being listed to perform.
- LBE prime participation cannot count towards meeting the LBE subcontracting requirement.
- The Prime cannot use deletable bid items, allowances, and contingency bid items to meet the LBE subcontracting participation requirement.

### **Good Faith Efforts Requirements**

There are three approaches you can utilize to meet the good faith efforts requirements. However, you must still meet the LBE subcontracting requirement(s).

1. Under Approach A, the Prime Proposer must exceed the project's stated LBE participation requirement(s) by 35%.

For this project, 35% of **22%** subcontracting requirement is **7.70%**. Add **7.70%** to **22%**, which equals **29.70%**. In order for the Prime to meet the "Good Faith Efforts" requirements with respect to Approach A, the Prime's LBE participation must meet or exceed **29.70%**. If the Prime will be utilizing this approach, the Prime must check YES under Approach A of CMD Form 2B.

**OR**

2. Under Approach B, the Prime must list a Micro-LBE subcontractor on its Bid that they have not listed on its last five (5) most recent City awarded contracts that has an LBE sub participation requirement.

**OR**

3. Under Approach C, the Prime must earn at least 50 points by demonstrating that it negotiated with LBEs in good faith. The Prime must submit supporting documentation as outlined under this approach at the time of bid in order to earn points. \*Note that for each Item, you cannot earn partial points.

Pay attention to the instructions for each Approach on Form 2B. Form 2B will walk you through the three options that I just mentioned. Please have your outreach person contact me so I can walk them through the CMD website. The LBE Online Directory is also on the CMD website, if you go to [www.sfgov.org/cmd](http://www.sfgov.org/cmd).

- While the Primes are performing good faith efforts, it is the responsibility of the Prime to communicate with the LBE subs and determine their qualifications for the scopes of work/services that the LBE subs are being listed and expected to perform.

### **Other Requirements**

- If the prime will use an LBE sub for the Traffic Control scope, then the LBE subcontractor must be certified Small- or Micro- in the C-31 Traffic Control category to receive credit towards the sub participation requirement
- Trucking: You must list all lower tier trucking subs on CMD Form 6A when subcontracting out any portion of the trucking work. You will receive only a 60% participation credit when an LBE owned trailer is pulled by a non-LBE owned tractor.
  - Keep in mind that disposal fees do not count towards meeting the LBE sub requirement; make sure you separate that part out if the LBE trucking firm provides a quote that includes the disposal fees.

- Please make sure the LBE trucking firm that you are listing to do the hauling work owns its trucks, and the trucks must be listed under its LBE certification.
- Any equipment like grit separators, tanks, and debris boxes fall under the LBE category “Construction Equipment” and not under the “Trucking and Hauling” category. Make sure you indicate the correct LBE category for the appropriate scope that you are listing them to perform on Section 00 43 36. LBE firms under the “Construction Equipment” category are equipment sale and rental firms, which only 60% of the equipment rental fee (current market rate) can be credited towards meeting the LBE sub requirement.

**Forms to be submitted with the Bid:**

- Submit CMD Form 2B along with all supporting documentation as required from CMD Attachment 1.
- Section 00 43 36 of the bid specifications must be submitted with the Bid. If you are using an LBE to meet the LBE subcontracting requirement(s), even if the percentage of LBE work is under ½ of 1%, the sub must be listed on Section 00 43 36 to receive LBE credit. This includes LBE trucking firms and LBE suppliers.

**5-Day Submittals from CMD Attachment 1**

The apparent low bidder must submit, by 5:00 p.m. on the fifth business day after bid opening:

- **Form 3**            CMD Compliance Affidavit
- **Form 6**            LBE Subcontractor Participation Affidavit
- **Form 6A**          LBE Trucking Form (if applicable)

**Tracking LBE Utilization**

Prime contractors and all subcontractors who are awarded City contracts are required to enter and confirm payment information in a City approved payment system PeopleSoft. For the City’s PeopleSoft System, additional information and self-service training can be found at <https://sfcitypartner.sfgov.org/Training>

*CMD strongly encourages each Prime bidding on this project to contact me if you have any questions regarding any of the CMD requirements or forms.*