



**Progressive Design-Build AAACC / MCCLA Seismic Improvement Pre-Bid Meeting
08/26/2024 @ 10AM**

CMD Contact Information > Ivan Oldenkamp (415) 554-0639 or ivan.oldenkamp@sfgov.org

CMD Attachments > Please read **CMD Attachment 2 and 7** carefully. Chapter 14B requirements and forms are included in both Attachments, which can be found in the specs or on CMD's website: <https://www.sf.gov/resource/2022/lbe-contract-requirements-cmd-attachments>

LBE Rating Bonus – There is no JV LBE rating bonus for design build projectz.

LBE subconsulting requirement for the DESIGN portion

- The LBE subconsulting requirements for design are the following:
 - Micro LBE Requirement: 10% (can only be met with Micro LBEs)
 - Small LBE Requirement: 10% (can be met with Micro and/or Small LBEs)
- For this project, **Only San Francisco Micro and Small-LBEs** certified by CMD can be utilized to meet the LBE subcontracting requirement. SFPUC-LBEs and SBA-LBEs cannot be utilized to meet the LBE sub requirement. A list of certified firms is available on the CMD website. LBE subs must be certified on the proposal due date **and they must be certified in the areas that they are being listed to perform**. The LBE subcontracting participation requirement and teams created should be met based on the disciplines/scopes identified in the Request for Proposal (RFP) and corresponding RFP documents.
- LBE prime participation cannot count towards meeting the LBE sub requirements.
- For the Design portion, bids must meet the Micro-10% and Small-10% LBE subconsulting requirements on CMD Form 2A at the time of proposal or the bid may be deemed nonresponsive.

LBE Commitment Certification for the CONSTRUCTION portion

- The LBE subcontracting participation requirements for the CONSTRUCTION portion of this project are the following:
 - Micro LBE Requirement: 12% (can only be met with Micro LBEs)
 - Small LBE Requirement: 8% (can be met with Micro and/or Small LBEs)
- For the Construction portion, at the time of bid, the Prime will be required to sign and submit a LBE Commitment Certification letter. This is Document 00 43 10 of the RFQ/P or bid specifications.
- By signing the LBE Commitment Certification letter, the Prime is committing itself to utilizing LBEs to meet the above LBE participation requirements outlined above for the project during the Construction phase.

Good Faith Efforts

For the Design portion, in addition to meeting the LBE subconsulting requirements, the Prime must meet the Good Faith Efforts requirements at the time of proposal. There are three approaches you can utilize to meet the good faith outreach requirements. Under both approaches, you must still meet the LBE sub participation requirement by listing LBEs on Form 2A.

1. Under Approach A, the Prime Proposer must exceed the **sum of the** project's stated LBE sub participation requirement by 35%.

For this project, 35% of the 20% subconsulting requirement is 7.00%. When adding 7.00% to 20%, this equates to 27.00%. In order for the Prime to meet the "Good Faith Efforts" requirement with Approach A, the Prime's LBE participation must meet or exceed **27.00%**. If the Prime will be utilizing this approach, please check YES under Section A of CMD Form 2B.

*Note for Micro and Small-LBE Prime Proposers: Micro and Small-LBE primes may count their own work towards the extra 35% needed for Approach A. The LBE prime still must use LBE subconsultants to meet the LBE subconsulting requirement. Additionally, only Micro and/or Small LBEs can be used to meet the additional 35%.

OR

2. Under Approach B, the Prime Proposer must list a Micro-LBE subcontractor on its Proposal that they have not listed on its last five (5) most recently awarded City contracts which have 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 Items 1, 2, 3 under this approach. Of importance, the Prime Proposer must submit all required documentation at the time of Proposal in order to earn points. *Note that for each Item, you cannot earn partial points. **Please pay extra attention to any deadline requirements on the form.**

CMD strongly encourages that proposers utilizing Approach B or C contact CMD to discuss these Approaches.

Pay attention to each of the required steps listed on Form 2B. Form 2B will walk you through the two 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

- While Primes are performing good faith outreach, it is the responsibility of the Prime to communicate with the LBE subs and determine their qualifications and quality of work for the scopes of work/services that the LBE subs are being listed and expected to perform.
- Common causes for non-responsive proposals:
 - Not meeting the LBE requirement on Form 2A (e.g., listing LBEs for 17% when the LBE requirement is 20%.
 - Not listing any LBE firms on Form 2A or listing their participation as "TBD"
 - Incorrectly performing Good Faith Efforts (especially Option 3)

Forms to be submitted with proposal from **CMD Attachment 2:**

- Form 2A The Contract Participation Form
- Form 2B The “Good Faith Outreach” Requirements Form
- Form 3 CMD Compliance Affidavit
- Form 5 CMD Employment Form

LBE Utilization Tracking System (LBEUTS)

In the past, CMD had the LBEUTS system that monitored compliance with the LBE Ordinance. We now have a new system that replaced the LBEUTS system which was part of Elations. The new LBE tracking system is an online based payment affidavit and notification module within the City’s new Financials and Procurement System. Prime contractors and all subcontractors who are awarded contracts are now required to use the City’s new Financials & Procurement System to enter and confirm payment information. Additional information and Self-Service Training can be found at <https://sfcitypartner.sfgov.org/Training>

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