

**Request for Proposals  
Alameda Corridor**

***Maintenance of Way Services***

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***APPENDIX Q***

***Small Business Enterprises (SBE)  
Forms***

## **SBE Participation**

### **Subcontracting Opportunities List**

It is ACTA's objective to provide SBE subcontracting opportunities for all subcontracted activity, as well as to encourage contractors to subcontract activities which might have otherwise been performed by the contractor itself to meet and exceed the 15% minimum participation level.

There will or might be subcontracting opportunities in the following areas. This list is not all inclusive, and the Proposer is encouraged to consider any and all opportunities where appropriate.

- Crane service
- Damaged bridge and structure repairs
- Debris removal
- Emergency ladder repairs
- Fence installation and repair
- Graffiti removal
- Maintenance facility security
- Maintenance facility cleaning and repair
- Painting of structures
- Pump station repair and maintenance – electrical, plumbing, mechanical
- Rail grinding
- Rail flaw detection
- Traffic control
- Weed abatement/vegetation control

# Small Business Enterprise (SBE) Participation Requirements

## 1.0 SBE Participation

ACTA promotes using Small Business Enterprises (SBEs) and has established a minimum participation level of 15% for the Maintenance Services procurement. However, Proposers are encouraged to maximize SBE participation above that amount to the extent possible.

## 2.0 Definitions

**Contractor** - an individual, partnership, corporation or other legal entity that is submitting a bid or proposal to perform construction related work. A Contractor must have a valid State of California Contractor's License to the extent required by law.

**Department of General Services (DGS)** - serves as the business manager for the State of California.

**Good Faith Effort (GFE)** - a prescribed set of actions conducted by Proposers to identify SBEs to meet the established SBE participation 15% SBE minimum participation level for this procurement. See Good Faith Effort Evaluation Criteria.

**National Institute of Governmental Purchasing (NIGP)** - a professional association for public procurement that seeks to develop, support and promote the public procurement profession through educational and research programs, professional support, technical services and advocacy initiatives that benefit members and constituents.

**NIGP Codes** - standardized commodity/service codes developed by the NIGP.

**North American Industrial Classification System (NAICS)** - 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 activities in which they are primarily engaged.

**NAICS Codes** - used as the certification codes for Small Business Certifications.

**Small Business Enterprise (SBE)** - eligibility may be determined by either using U.S. Small Business Administration (SBA) size standards which are matched to the NAICS codes, or by the SBE standards set by the DGS.

**Subcontractor** - an individual, firm, or entity having a direct contract with the prime Contractor or with any other Subcontractor to perform a portion of the subject contract. A Subcontractor must have a valid State of California Contractor's License to the extent required by law.

**Vendor/Supplier** - an individual, firm or entity providing materials or supplies directly to the subject contract. For a prime Contractor to receive participation credit for using an SBE Vendor or Supplier, the materials/supplies must be directly applicable to the subject contract.

### **3.0 Application**

- 3.1 Non-SBE prime Contractors are encouraged to the extent possible to use SBE firms. Non-SBE prime Contractors shall meet the 15% SBE minimum participation level or document and submit an acceptable GFE, for their proposal to be deemed responsive. SBE prime Contractors, certified through online SBE databases and/or the DGS database or certified through local agencies and verified by ACTA, are deemed to have met the SBE component of the 15% SBE minimum participation level.
- 3.2 All prime Contractors are encouraged to use SBE Subcontractors, whether at a first tier or lower tier level, as well as small business Vendors and Suppliers. Lower tier subcontractors, Vendors and Suppliers must provide services/materials directly related to the contract to be counted toward meeting the 15% SBE minimum participation level.

### **4.0 SBE Databases: Vendor Registration and SBE Certification**

- 4.1 In order to be counted toward meeting the 15% SBE minimum participation level, an SBE firm shall be certified through any local agency or State program, and must be certified by the due date of the prime Contractor's Proposal.
- 4.2 Prior to contract award, SBE status shall be verified and may be audited by ACTA.

### **5.0 Commitment**

- 5.1 The Proposal shall include a completed SBE Commitment Plan Form (CPF) indicating the estimated percentage of SBE participation to be achieved.
- 5.2 If the CPF is not received with the Proposal, the Proposal shall be deemed non-responsive.
- 5.3 If the Proposal does meet the 15% SBE minimum participation level, the Proposer shall submit GFE documentation with the Proposal. The Proposer must achieve a minimum score of 70 out of 100 points for its GFE to be deemed responsive.
- 5.4 A Proposer that does not meet the 15% SBE minimum participation level and does not submit GFE documentation with the Proposal, or submits GFE documentation that does not achieve the minimum passing score of 70 shall be deemed non-responsive.
- 5.5 If an SBE firm listed on a prime Contractor's CPF loses its SBE status or certification prior to contract award, the firm will not count toward meeting the 15% SBE minimum participation level unless:
  - The firm becomes eligible for recertification and is recertified; or
  - If the firm is not eligible for recertification, the prime Contractor replaces the firm and submits a revised CPF for approval.
- 5.6 After negotiations have been completed and the Agreement is executed, achieving the 15% SBE minimum participation level or the GFE reduced commitment is a contractual commitment and can only be altered with written approval of ACTA.

During the Annual Maintenance Budget approval process, SBE participation will be negotiated and maximized based on the planned activity for the upcoming year.

- 5.7 See Exhibit F to the draft Agreement in Appendix A for information concerning substitutions after award, reporting, compliance, monitoring, violations, and remedies.

## **6.0 Good Faith Effort Evaluation Criteria**

A Proposer, who fails to meet the 15% SBE minimum participation level, shall be deemed responsive if an acceptable Good Faith Effort (GFE) was made to meet the 15% SBE minimum participation level and can be supported with documentation. There are 9 criteria that will be used to evaluate a GFE, and a score of 70 or more of a possible 100 points must be achieved to pass the GFE test. The following are the weighted GFE criteria:

- 6.1 **Attend Pre-Bid Meeting (5 points):** The Proposer submitted written evidence that it attended the pre-bid meeting.
- 6.2 **Subdivide the Work (10 points):** The Proposer identified the services (work category) to be performed by its own workforces and those to be subcontracted or supplied by others in an effort to meet the 15% SBE minimum participation level. The services shall be identified using NAICS and/or NIGP codes with dollar values clearly identifying the level of SBE participation sought.
- 6.3 **Advertise (10 points):** The Proposer submitted written evidence of commercial advertising for SBE participation at least 14 calendar days prior to the Proposal deadline. The advertisement shall identify the list of services identified for SBE participation. Proof of advertising shall include the name of the advertiser(s); a copy of the advertisement(s) showing the date(s) published; and an affidavit from advertiser(s) attesting to the placement of the advertisement(s).
- 6.4 **Use of Vendor Databases (15 points):** The Proposer submitted written evidence of using local agency and/or DGS online SBE databases.
- 6.5 **Directly Solicit SBEs (15 points):** The Proposer submitted written evidence of directly soliciting an adequate number of SBE potential participants certified in available databases at least 14 calendar days prior to Proposal submission. The evidence shall contain names, contact persons, addresses, phone numbers and dates of all SBE firms contacted; services requested; and how more specific service requirements were communicated or provided.

The Proposer shall contact an adequate number of SBE firms for each category of work that was identified for SBE participation. The number of contacts depends on the total number of SBE firms certified in the database within the category of work. If the database contains 5 or less, then the bidder or proposer shall contact all SBE firms in that database. If the database contains 6 to 10, at least 5 shall be contacted. If the database contains 11 to 50, at least half shall be contacted. If the database contains more than 50 at least 25 shall be contacted.

- 6.6 **Conduct Follow-Up (15 points):** Proposer shall submit a contact log with names, contact persons, phone numbers, dates and methods used for follow up on initial solicitations. The follow up log should contain a minimum of 75% of the initial solicitations.

- 6.7 **Offer Assistance (5 points):** The Proposer shall demonstrate that it has offered to assist SBEs in obtaining bonding, insurance, lines of credit, equipment or other means of support.
- 6.8 **Negotiate and Document Bid Results (15 points):** The Proposer shall submit written evidence that it negotiated in good faith with interested SBEs. Negotiations include discussions regarding scope of work, materials, equipment, insurance, bonding, personnel, timing of project, etc. For any negotiations that were unsuccessful, the Proposer shall submit the unsuccessful firm's name, telephone number, contact person, price bid (if applicable) and the reason for rejecting the SBE firm. ACTA reserves the right to require the Proposer to submit copies of all SBE and non-SBE bids for each item of work before finalizing the score for this criterion.
- 6.9 **Proposer Commitment Value (10 points):** The Proposer's SBE commitment percentage in relation to that of other Proposers. Percentage must equal or be greater than the average commitment percentage of the other Proposers.

**SBE FORM 01 – Proposer or Joint Venture Partner SBE Status**

**1.0 Is the Proposer a Certified SBE? \***

**YES \_\_\_ NO \_\_\_**

If yes, attached a copy of the SBE certification, indicating the certifying agency.

**2.0 If the Proposer is a joint venture, is one or more of the partners a Certified SBE? \***

**YES \_\_\_ NO \_\_\_**

If yes, the following information must be attached hereto:

- (a) Copy of the joint venture agreement;
- (b) A statement as to the percentage of ownership and control of the SBE JV Partner;
- (c) A copy of the SBE certification, indicating the certifying agency, and;
- (d) A description of the work and value of services to be performed by each JV partner's work force.

\* Proposer or JV partner must be certified at the time of submitting the Proposal.

**3.0 Verification/Declarations**

I declare under penalty of perjury under the laws of the State of California that the foregoing information is true and correct.

**Date:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Print Name:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Proposer:** \_\_\_\_\_

**SBE FORM 02 – SBE Participation Calculation**

| <b>Cost Item</b>  | <b>Total Dollar Amount</b> | <b>SBE Dollar Amount *</b> | <b>Name of SBE Certified Firm **</b> |
|---|----------------------------|----------------------------|--------------------------------------|
| A. Track, Bridge, Safety Positions (Enter Total I-A + I-B from App. Q Cost Forms) |                            |                            |                                      |
| B. Signal / Comm ARR Unit Costs (Enter Total II-G from App. Q Cost Forms)         |                            |                            |                                      |
| C. Annual T, B & S Vehicle Cost (Enter Total I-C from App. Q Cost Forms)          |                            |                            |                                      |
| D. Annual T, B & S Equipment Cost (Enter Total I-D from App. Q Cost Forms)        |                            |                            |                                      |
| <b>Subtotal of A, B, C, &amp; D</b>   |                            |                            |                                      |

| <b>E. Subcontracting Work Items</b>        | <b>Assume Total Value of</b> | <b>SBE Dollar Amount *</b> | <b>Name of SBE Certified Firm **</b> |
|--|------------------------------|----------------------------|--------------------------------------|
| E1. Crane Service                          | \$ 50,000                    |                            |                                      |
| E2. Bridge and Structure Repairs           | 200,000                      |                            |                                      |
| E3. Debris Removal                         | 15,000                       |                            |                                      |
| E4. Emergency Ladder Repairs               | 100,000                      |                            |                                      |
| E5. Fence Installation / Repair            | 70,000                       |                            |                                      |
| E6. Graffiti Removal                       | 120,000                      |                            |                                      |
| E7. Maintenance Facility Cleaning / Repair | 24,000                       |                            |                                      |
| E8. Maintenance Facility Security          | 150,000                      |                            |                                      |
| E9. Painting of Structures                 | 100,000                      |                            |                                      |



|   |           |  |  |
|---|-----------|--|--|
| E10. Pump Station Repair / Maintenance – electrical, plumbing, mechanical | 100,000   |  |  |
| E11. Rail Grinding  | 100,000   |  |  |
| E12. Rail Flaw Detection  | 30,000    |  |  |
| E13. Traffic Control  | 30,000    |  |  |
| E14. Weed Abatement / Vegetation Control                                  | 30,000    |  |  |
| <b>Subtotal of E</b>  | 1,119,000 |  |  |

| <b>F. Special Material Purchase</b> | <b>Assume Total Value of</b> | <b>SBE Dollar Amount *</b> | <b>Name of SBE Certified Firm **</b> |
|-------------------------------------|------------------------------|----------------------------|--------------------------------------|
| F1. Rail Ties and Ballast           | \$ 240,000                   |                            |                                      |
| F2. Switch Ties and Ballast         | 260,000                      |                            |                                      |
| <b>Subtotal of F</b>                | \$ 500,000                   |                            |                                      |

|                                  |     |     |                         |
|----------------------------------|-----|-----|-------------------------|
| <b>Grand Total (A+B+C+D+E+F)</b> |     |     |                         |
|                                  | GT1 | GT2 | SBE % = (GT2/GT1) x 100 |

\* Enter N/A if Not Applicable

\*\* Provide SBE detailed information on SBE Form 03

**SBE FORM 03 – SBE Commitment Plan Form (CPF)**

This information shall be submitted with Proposal. A Proposal shall be deemed non-responsive and not considered for award of contract, if: (1) the CPF is not received with the Proposal, or (2) the Proposal does not meet the minimum 15% SBE participation level, and does not include GFE documentation with the Proposal that achieves the minimum passing score of 70.

PROPOSER'S NAME: \_\_\_\_\_

Only certified SBE firms are to be listed on this form. Firms must be currently certified on the date of the Proposal. Include all SBE firms from SBE Form 02. Copies of current SBE certifications must be submitted with the Proposal.

|    | Name of Certified SBE Firm | Certifying Agency * | Certification Number | Services or Materials Supplied ** | Contact Information (Telephone # & Email Address) |
|----|----------------------------|---------------------|----------------------|-----------------------------------|---|
| 1  |                            |                     |                      |                                   |   |
| 2  |                            |                     |                      |                                   |   |
| 3  |                            |                     |                      |                                   |   |
| 4  |                            |                     |                      |                                   |   |
| 5  |                            |                     |                      |                                   |   |
| 6  |                            |                     |                      |                                   |   |
| 7  |                            |                     |                      |                                   |   |
| 8  |                            |                     |                      |                                   |   |
| 9  |                            |                     |                      |                                   |   |
| 10 |                            |                     |                      |                                   |   |
| 11 |                            |                     |                      |                                   |   |
| 12 |                            |                     |                      |                                   |   |

Form continues on next page.  
Add additional pages if necessary.

|   |
|---|
| * SBEs must be certified by State or other local agency such as, but not limited to, City of Los Angeles, Los Angeles County Metropolitan Transportation Authority, Port of Long Beach or Port of Los Angeles.  |
| ** If 100% of item is not to be performed or furnished by SBE, provide exact portion of item to be performed or furnished by SBE. The Services or Materials Supplied entry must be sufficiently descriptive to establish whether the work is to be performed by a Subcontractor, Supplier/Vendor, or Manufacturer. Credit for a SBE Supplier/Vendor, who is not a Manufacturer is limited to 60% of the amount paid to the Supplier/Vendor. |
| <b>IMPORTANT: Names of SBE certified firms listed above should be consistent with the name and items of work listed on the DIR Form (Appendix D) submitted with the Proposal.</b>   |

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Signature of Proposer                      Date                      (Area Code) Phone No.                      Person to Contact                      (Type or Print)

**Note: If any of the SBE certified firms also have other certifications such as but not limited to MBE, WBE, DBE, DVBE, or LBE, please include such on separate SBE Form 04 .**

**SBE FORM 04 – Other Certifications of SBE Firms, if applicable. For use as additional information by ACTA.**

**Supplemental SBE Form**

If any of the SBE certified firms listed on SBE Form 03 also have other certifications such as but not limited to MBE, WBE, DBE, DVBE, or LBE, please include below. Copies of the certifications listed below should be submitted with the Proposal.

|   | <b>Name of Certified SBE Firm<br/>from SBE Form 03</b> | <b>Additional Certification<br/>Type</b> | <b>Certification Number</b> | <b>Certifying Agency</b> |
|---|--|--|-----------------------------|--------------------------|
| 1 |  |  |                             |                          |
|   |  |  |                             |                          |
|   |  |  |                             |                          |
| 2 |  |  |                             |                          |
|   |  |  |                             |                          |
|   |  |  |                             |                          |
| 3 |  |  |                             |                          |
|   |  |  |                             |                          |
|   |  |  |                             |                          |
| 4 |  |  |                             |                          |
|   |  |  |                             |                          |
|   |  |  |                             |                          |
| 5 |  |  |                             |                          |
|   |  |  |                             |                          |
|   |  |  |                             |                          |

Add additional pages if necessary.

**Sample**  
**ALAMEDA CORRIDOR MAINTENANCE AGREEMENT**  
**MONTHLY SUBCONTRACTOR MONITORING REPORT**

Instructions: Please indicate the participation levels achieved for the month of \_\_\_\_\_ for the referenced contract number.

Contract No. \_\_\_\_\_ Start Date \_\_\_\_\_ End Date \_\_\_\_\_

Committed SBE Participation Percentage \_\_\_\_\_

|    |                       |                        |   | ANNUAL BUDGET                    |                                 |                        |
|----|-----------------------|------------------------|---|----------------------------------|---------------------------------|------------------------|
|    | Name of Subcontractor | Type of Work Performed | Additional Certifications:*<br>SBE/V/SBE/MBE/WBE/LBE/DVBE, etc. | Approved Annual<br>Budget Amount | Amount Paid for<br>Latest Month | Amount Paid<br>to Date |
| 1  |                       |                        |   |                                  |                                 |                        |
| 2  |                       |                        |   |                                  |                                 |                        |
| 3  |                       |                        |   |                                  |                                 |                        |
| 4  |                       |                        |   |                                  |                                 |                        |
| 5  |                       |                        |   |                                  |                                 |                        |
| 6  |                       |                        |   |                                  |                                 |                        |
| 7  |                       |                        |   |                                  |                                 |                        |
| 8  |                       |                        |   |                                  |                                 |                        |
| 9  |                       |                        |   |                                  |                                 |                        |
| 10 |                       |                        |   |                                  |                                 |                        |

\* Indicate all certifications held by each subcontractor