SECTION 100 - DBE PROGRAM

100 FEDERAL OBLIGATION:
This contract is subject to the requirements of Title 49, Code of Federal Regulations, Part 26, Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs.

101 LACMTA POLICY STATEMENT:
It is LACMTA’s policy to provide equal opportunity for Disadvantaged Business Enterprises (DBE), as defined in 49 CFR Part 26, to receive and participate on DOT-assisted contracts. It is also our policy to:

1. Ensure nondiscrimination in the award and administration of DOT-assisted contracts;
2. Create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. Ensure that LACMTA’s DBE program is narrowly tailored in accordance with applicable law;
4. Ensure that only firms that meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. Help remove barriers to the participation of DBEs in DOT-assisted contracts; and
6. Assist the development of firms that can compete successfully in the market place outside the DBE program.

102 INTERPRETATION:
Any conflict, error, omission or ambiguity which may arise between these instructions and the federal regulations or the above mentioned DBE Program obligation, shall be resolved first in favor of the federal regulations and second the DBE Program. Failure of a Bidder/Proposer, its subcontractors, consultants, suppliers or other entities to carry out these requirements may be grounds for LACMTA to implement administrative penalties or other remedies imposed by LACMTA.

103 SUSPENSION OR DEBARMENT:
Suspension or debarment proceedings may be initiated by LACMTA against any firm that:

A. Attempts to participate in a DOT-assisted program as a DBE and does not meet the eligibility criteria stated in the certification standards for DBE programs; or on the basis of false, fraudulent or deceitful statements; or under circumstances indicating a serious lack of business integrity or honesty.

B. Attempts to use false, fraudulent or deceitful statements, or representations in order to meet its DBE administrative requirements, or uses another firm that does not meet the DBE eligibility criteria stated in the certification standards.

In accordance with 49 CFR Part 26.107 DOT may take action itself through its Fraud and Civil Remedies Program or refer the matter to the Department of Justice for prosecution under appropriate criminal statutes.
LACMTA may refer any false, fraudulent, or dishonest conduct to the attention of the Department of Transportation in connection with the DBE program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, and/or referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules).

104 LACMTA OVERALL DBE GOAL:
LACMTA has established a triennial overall DBE goal for DBE participation. LACMTA will use both Race-Conscious (RC) and Race-Neutral (RN) measures to achieve its overall goal. To ascertain whether the overall DBE goal is being achieved, LACMTA will monitor contractor’s DBE commitments and will track the payments to all firms (DBE and Non-DBE).

105 DBE MEASURES:
A. Race Conscious (RC) DBE Measures for FTA funded contracts
   Includes setting RC DBE contract goals for the participation of DBE groups found in LACMTA’s Disparity Study to have significant statistical disparity in LACMTA contracting. The RC DBE groups are African Americans, Asian Pacific Americans, Native Americans, Hispanic Americans, and Subcontinent Asian Americans.

B. DBE Measures for FHWA funded contracts
   Includes setting DBE contract goals for the participation of DBE groups found in the California Department of Transportation (Caltrans) DBE Program, as amended.

106 RACE NEUTRAL (RN) DBE MEASURES:
The DBE group(s) that have not been found in LACMTA’s Disparity Study to have significant statistical disparity in LACMTA contracting and cannot be counted toward the RC DBE contract goal, but will be counted as RN DBE participation in accordance with 49 CFR Part 26.

Participation by all DBE groups will be tracked and reported to meet LACMTA’s overall DBE goal.

SECTION 200 - DBE PARTICIPATION

200 DBE CONTRACT GOAL:
DBE goals are established based on the analysis of the scope of work, and the availability of DBE firms that are ready, willing, and able to perform. If established, the contract goal is listed in the “Letter of Invitation Supplement” contained in the solicitation document.

If a contract goal is not established, Bidders/Proposers are encouraged to utilize DBE firms when opportunities are available during the performance of the contract. The successful Bidder/Proposer will be required to report DBE participation throughout the period of performance. DBE participation obtained when a contract goal is not established is counted as RN participation.

201 RESPONSIVENESS TO CONTRACT GOAL:
If a RC DBE contract goal is established for this contract, obtaining the contract goal is a matter of responsiveness. Bidders/Proposers are required to document sufficient DBE participation to meet the goals, or alternatively, document adequate good faith efforts (GFE). Bidders/Proposers shall provide the following:

1. Names and addresses of DBE firms that will participate in this contract;
2. Description of the work each DBE will perform. To count toward meeting the DBE goal, each DBE firm must be certified in a NAICS code applicable to the scope of work the firm would perform on the contract;
3. Dollar commitments of each DBE firm participating;
4. Written documentation of the Bidder's/Proposer's commitment to use a DBE subcontractor whose participation it submits to meet the contract goal;
5. Written confirmation of prime contractor's commitment to each listed DBE, including the scope(s) of work and dollar commitment; and
6. If the contract goal is not met, evidence of good faith efforts must be submitted by bid/proposal due date. Documentation of good faith efforts shall include copies of all DBE and non-DBE subcontractor quotes submitted to the Bidder/Proposer, when a non-DBE subcontractor was selected over a DBE for scopes of work identified. (refer to Section 400 - GFE Requirements). In addition, the Bidders/Proposers shall submit Attachment H – Bidder/Proposer Notarized Certification of Good Faith Efforts with their GFE documentation.

202 CONTRACTOR ASSURANCE:
The Bidders/Proposers shall make the following assurance and shall, after contract award, include this assurance verbatim in each subcontract and/or purchase agreement awarded to both DBE and non-DBE subcontractors, suppliers, truckers, and brokers:

Contractors, subrecipients, nor subcontractors shall discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of federally-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

203 DBE COMMITMENT FORMS:
Bidders/Proposers shall submit with its bid/proposal completed DBE Forms as provided in these Instructions to Bidders/Proposers (See: TABLE 1 – DBE COMMITMENT FORMS).

DBE SUBMITTAL FORMS
Submit DBE Forms 1 through 5 with bid/proposal (even if DBE goals were not established).

- Form 1 Proposed Subcontractors & Suppliers
- Form 2 Affidavit
- Form 3 Proposed Lower Tier Subcontractors & Suppliers
- Form 4 Business Data Sheet
- Form 5 DBE Affirmation

The Bidder/Proposer shall provide, as part of its bid/proposal a complete listing of DBE and non-DBE subcontractors that will perform any portion of the work, together with a description of their scope of work and dollar value of their participation.

204 DBE INFORMATION:
Bidders/Proposers are informed of the following:
1. DBE firms must be certified by the California Unified Certification Program (CUCP) by bid/proposal due date (reference Section D500 DBE Certification Requirements).
2. DBE firms must be certified in the North American Industry Classification System (NAICS) code(s) representing the scope(s) of work listed for DBE credit.
3. DBE firms listed to meet the contract goal must be in the designated RC DBE groups. (See: Section 106 Race Conscious (RC DBE) Measures). Bidders/Proposers will receive credit toward the contract goal for DBE groups designated as race conscious.

4. A DBE may participate as a prime contractor, subcontractor, joint venture partner with a prime or subcontractor, vendor of material or supplies, or as a trucking company. Bidders/Proposers are encouraged to consider achieving the DBE goal by purchasing materials and commodities from DBE firms.

5. A DBE joint venture partner must be responsible for performing a clearly defined scope of work. DBE joint venture partners must actually perform, manage and supervise the work with its own forces; and share in the capital contribution, control, management, risks and profits of the joint venture commensurate with its ownership interest.

6. DBE firms must perform a commercially useful function, by being responsible for the execution of a distinct element of the work and must carry out its responsibility by actually performing, managing and supervising at least 30% of the project work with its own workforce (See: Section 301- “Commercial Useful Function”).

205 REPLACEMENT OF A DBE FIRM:
Prior to contract award, if a Bidder/Proposer lists a DBE firm that was denied prequalification, the Bidder/Proposer shall replace the DBE firm with another DBE subcontractor. The Bidder/Proposer shall notify the Diversity & Economic Opportunity Department of this occurrence, and shall obtain prior written approval for replacement of the DBE firm. Bidder/Proposer shall document good faith efforts to replace DBE firm by following the good faith effort steps outlined in Section 400 Good Faith Efforts Requirements.

A Bidder’s/Proposer’s inability to find a replacement DBE at the original price is not alone sufficient to support a finding that good faith efforts have been made to replace the original DBE. The Fact that the contractor has the ability and/or desire to perform the contract work with its own forces does not relieve the contractor of the obligation to make good faith efforts to find a replacement DBE, and it is not a sound basis for rejecting a prospective replacement DBE’s reasonable quote.

SECTION 300 - COMMERCIAL USEFUL FUNCTION AND COUNTING DBE PARTICIPATION

300 COMMERCIAL USEFUL FUNCTION:
To receive DBE participation credit towards the DBE contract commitments, DBE firm(s) must perform a commercially useful function (CUF). A DBE must perform at least 30% of its listed work with its own workforce or must not subcontract a greater portion of the work than would be expected on the basis of normal industry practices for that type of work. A DBE performs a CUF when it is responsible for a clearly defined and distinct scope of work. DBE firms must be responsible for the execution of the work and carrying out its responsibilities by actually performing, managing, and supervising the work involved and normal industry practices.

LACMTA will count DBE participation, for firms performing a CUF, in accordance with 49 CFR Part 26.55. When a DBE participates in a contract, LACMTA will count only the value of the work actually performed by the DBE toward the DBE contract goal(s).

A. DBE as the Prime Contractor: 100% DBE credit for that portion of the work performed by the DBE’s own forces, including the cost of materials and supplies, for a construction contract, obtained by the DBE for the work of the contract, including supplies purchased or equipment leased by DBE (except supplies and equipment the DBE subcontractor
purchases or leases from the prime contractor or its affiliates). When a DBE subcontracts part of the work of its contract to another firm, the value of the subcontracted work may be counted toward DBE goals only if the DBE’s subcontractor is itself a DBE. Work that a DBE subcontracts to a non-DBE firm does not count toward DBE contract goal(s).

B. **DBE as a Joint Venture Contractor:** 100% DBE credit shall apply to the clearly defined and distinct portion of work performed by the DBE’s own workforce.

C. **DBE as a Subcontractor:** 100% DBE credit shall apply to the work performed with the DBE’s own forces, including the cost of materials and supplies (does not include: the purchase of materials and supplies or the lease of equipment by the DBE subcontractor from the prime contractor or its affiliates). Work that a DBE subcontractor subcontracts to a non-DBE firm shall not be credited towards the DBE contract goal.

D. **DBE as a Material Supplier or Broker:**
   1. 60% DBE credit for the cost of the materials or supplies purchased from a DBE regular dealer.
   2. 100% DBE credit for the cost of materials or supplies obtained from a DBE manufacturer.
   3. 100% DBE credit for the value of reasonable fees and commissions for the procurement of materials and supplies if not a regular dealer or manufacturer.

E. **DBE as a Trucker:** 100% DBE credit for trucking participation provided the DBE is responsible for the management and supervision of the entire trucking operation for which it is responsible. At least one truck owned, operated, licensed and insured by the DBE must be used on the contract. Credit will be given for the full value of all such DBE trucks operated using DBE employed drivers. DBE credit will be limited to the value of the reasonable fee or commission received by the DBE if trucks are leased from a non-DBE company. LACMTA uses the following six (6) factors in determining whether to count expenditures to a DBE trucking firm, to determine if it is performing a commercially useful function:

   1. The DBE must be responsible for the management and supervision of the entire trucking operation for which it is responsible on a particular contract and there cannot be a contrived arrangement for the purpose of meeting DBE goals.
   2. The DBE must itself own and operate at least one fully licensed, insured and operational truck used on the contract.
   3. The DBE receives credit for the total value of the transportation services it provides on the contract using trucks it owns, insures, and operates using drivers it employs.
   4. The DBE may lease trucks from another DBE firm, including an owner-operator who is certified as a DBE. The DBE who leases the trucks from another DBE receives credit for the total value of the transportation services the lessee DBE provides on the contract.
   5. The DBE may also lease trucks from a non-DBE, including an owner-operator. The DBE who leases trucks from a non-DBE is entitled to credit only for the fee or commission it receives as a result of the lease arrangement. The DBE does not receive credit for the total value of the transportation services provided by the lessee, since these services are not provided by a DBE.
   6. For the purposes of determining whether a DBE trucking company is performing a commercially useful function, a lease must indicate that the DBE has exclusive use of and control over the truck. This does not preclude the leased truck from working
for others during the term of the lease with the consent of the DBE, so long as the lease gives the DBE absolute priority for use of the leased truck. Leased trucks must display the name and identification number of the DBE.

SECTION 400 - GOOD FAITH EFFORTS

400 REQUIREMENTS:
Bidders/Proposers are reasonably expected to take active and aggressive measures sufficient to meet the DBE goal(s), even if not fully successful. LACMTA will consider whether the quality, quantity, volume and intensity of the efforts were sufficient to meet the DBE goal. Mere pro forma efforts are not good faith efforts and are not sufficient to meet the DBE contract requirements. Only those efforts made prior to bid/proposal due date shall be considered for GFE evaluation. Attachment H, “Bidder/Proposer Notarized Certification of Good Faith Efforts,” must be submitted at the bid/proposal due date if the Bidder(s)/Proposer(s) did not meet the goal.

GFE measures undertaken by a third party shall be at the Bidder/Proposer’s own risk and shall not relieve Bidder/Proposer(s) of the responsibility for meeting the GFE requirements. Bidder/Proposer(s) shall also identify all Third Parities utilized to prepare GFE responses for each GFE indicator.

401 RESPONSIVENESS:
To determine if a Bidder/Proposer who failed to meet the DBE contract goal is responsive, LACMTA will determine if the effort taken to obtain DBE participation satisfies GFE requirements. Further, LACMTA will ensure that all good faith effort information supplied by each Bidder/Proposer is complete, accurate and adequately documented prior to award of any contract.

1. Any of the following conditions constitute failure to meet the contract goal and will require submittal of good faith effort documentation:
   a. The DBE commitment reflected in the DBE Commitment Forms is less than the DBE contract goal established.
   b. Firms listed toward meeting the DBE contract goal but are not certified by the bid/proposal due date in the NAICS codes for the listed work to perform.

2. If the Bidder/Proposer has not met the stated contract goal, documentation of its GFE must be submitted at the time of bid/proposal due date.

3. LACMTA will evaluate each GFE item on a pass/fail basis.
   a. Bidders/Proposers will receive either full or zero (0) points for each GFE item.
   b. Bidders/Proposers must receive a score of 75 – 100 points to pass the GFE requirements.
   c. Bidders/Proposers achieving a passing score of 75 or more points are considered responsive to the GFE requirements.
   d. Bidders/Proposers who receive a score less than 75 points is considered to have failed the GFE requirements.

4. LACMTA shall notify Bidders/Proposers in writing whether GFE requirements were met or not met. The notification will explain the basis and include the reasons for the determination. If a Bidder/Proposer fails GFE, the Bidder/Proposer will be provided the opportunity for administrative reconsideration of LACMTA’s GFE determination.

402 RECONSIDERATION:
Bidders/Proposers shall receive written notification from LACMTA detailing the results of their GFE evaluation. If the Bidder/Proposer failed to achieve adequate good faith efforts to meet
the established DBE goal(s), they shall have the right to request a Reconsideration Hearing. Hearing procedures include:

1. Right to Reconsideration Hearing: If an Bidder/Proposer receives notice that they failed GFE requirements, they may request a reconsideration hearing. Hearing requests shall be made in writing, via U.S. Mail or delivery service to LACMTA, Attn: Karen Gorman, GFE Reconsideration Officer, One Gateway Plaza, Mail Stop 99-11-12, Los Angeles, CA 90012-2952. Requests may also be submitted by facsimile to the Reconsideration Officer’s (“RO”) fax number at 213.922.2986, provided, however, that requests must be received by the RO within two (2) business days after the date the Bidder/Proposer receives the GFE determination notice. The Bidder/Proposer shall be presumed to have received the notification five (5) days after the date of the DEOD notice letter. The RO shall provide DEOD with a copy of the hearing request.

2. Scheduling of Reconsideration Hearing: Upon receipt of a request for a reconsideration hearing, the RO or his/her designee will contact the Bidder/Proposer and the DEOD to schedule the hearing. Reconsideration hearings will be held no later than five (5) business days after receipt of the Bidder/Proposer’s request, unless the RO agrees to extend this time period based on good cause. Extensions are disfavored.

3. Decision: The RO will provide a written decision to the Bidder/Proposer and DEOD within five (5) business days of the hearing, or as soon as possible thereafter. The decision will explain the basis for finding that the Bidder/Proposer did or did not meet the goal or make adequate good faith efforts to do so. Pursuant to 49 CFR 26.53, the decision is final and not administratively appealable to any other person within LACMTA, the United States Department of Transportation or any other authority.

403 GOOD FAITH EFFORTS STEPS:
The achievement of good faith efforts (GFE) will be based on evaluation of the following criteria in accordance with 49 CFR Part 26.53, and Appendix A.

(1) ADVERTISEMENT
(2) NOTIFICATION TO SMALL BUSINESS ORGANIZATIONS/COMMUNITY GROUPS
(3) SELECT PORTION OF THE WORK TO BE SUBCONTRACTED
(4) REQUEST FOR BID/PROPOSAL, SPECIFICATION INFORMATION
(5) SOLICITATION FOLLOW-UP
(6) ASSISTANCE IN OBTAINING BONDS & INSURANCE
(7) ATTEND PRE-BID/PROPOSAL CONFERENCE
(8) LIST OF SUBCONTRACTORS SUBMITTING BIDS/PROPOSALS

1. ADVERTISEMENT

(15 POINTS)

(Ref: “Attachment A – Sample Advertisement” and complete “Attachment B - Newspaper Advertisement Log”)

Effort:
Advertisements soliciting sub-bids/proposals from DBE firm(s) shall appear no fewer than 21 days prior to the initial bid/proposal due date. Bidders/Proposers If the bid/proposal schedule established by LACMTA, is less than 21 days, advertisements for a shorter reasonable period of time is acceptable. When amendments extend bid/proposal due dates, GFE consideration shall only be given to Bidders/Proposers who extend or revise advertised dates for the benefit of increased DBE opportunities.
Advertisements will refer only to bids/proposals for LACMTA projects only and will specify the categories of work for DBE subcontracting opportunities. The advertisements will be placed in a minimum of three (3) paid daily or weekly publications.

Advertisements shall consist of the following:

- Bidder/Proposer shall advertise in general newspaper publications or media that can reasonably be expected to reach DBE firms that are likely to bid/propose on this contract.
- Bidder/Proposer shall advertise in two (2) varied minority and/or women trade association newspapers or other minority and/or women trade focus publications or media that will reach all DBE firms.
- The advertisement shall include, at a minimum, the name of the newspaper, company contact person, type of publication, circulation dates of advertisement, project name and number, date of DBE subcontractor bid/proposal or quote due date to the Bidder/Proposer, Bidder/Proposer bid/proposal due date to LACMTA, detailed description of contract work categories solicited, and time and location where bid/proposal plans, specifications and other documents may be reviewed.
- Advertisement must further identify LACMTA as owner, and indicate that the solicitation is in response to LACMTA’s DBE requirements and that the Bidder/Proposer will extend opportunities to DBEs and conduct itself in good faith with DBE firms seeking subcontract opportunities for the contract.
- Bidders/Proposers shall advertise to DBE only
- If bid/proposal due date was amended, explain positive and/or negative impact to DBE solicitations.

Evidence:
Include a list of advertisements placed, including a copy of the advertisements and/or tear sheets, advertisement commitment form and/or transaction receipt, and copy of advertisement specs submitted to the selected media source. LACMTA will closely analyze the tear sheets and the advertisement commitment form to verify dates and adherence to GFE requirements.

Bidders/Proposers are reasonably expected to take active and aggressive measures sufficient to meet the DBE goal and advertise to DBEs reasonably expected to perform the identified subcontractable work items.

2. NOTIFICATION TO SMALL BUSINESS ORGANIZATIONS AND COMMUNITY GROUPS (5 POINTS)

Effort:
Outreach notification must be made to outreach to a minimum of five (5) small business and disadvantaged business organizations and community groups. For assistance, reference the listing of member organizations included in LACMTA’s Transit Business Advisory Council (TBAC) website: http://www.metro.net/about/deod/tbac-member-organizations/
Notification to organizations shall include at a minimum, the items that are required for advertisement under GFE item #1.

Evidence:
Copies of letters, e-mails, faxes, fax confirmation sheets, telephone logs, etc. used to contact organizations. The documentation must include names of organizations/groups, dates, names of contacts, telephone numbers, and DBE goal.
Bidder/Proposer must also include copies of correspondence received from any of these organizations/groups acknowledging contact by proposer shall be considered in assessing evidence of good faith effort. Evidence of a minimum of five (5) organizations/groups must be attached.

3. SELECT PORTION OF THE WORK TO BE SUBCONTRACTED  (15 POINTS)
(Complete “Attachment C – Selected Work Categories Form”)

Effort:
Bidders/Proposers shall identify work categories it intends to self-perform with its own work force and all work/services that it intends to subcontract. This includes, breaking out scopes of work into economically feasible units to facilitate DBE participation, even when the prime contractor might otherwise prefer to perform these work items with its own work force. To increase the likelihood of meeting DBE goal requirements, Bidders/Proposers shall, as part of its planning process to actively and aggressively seek DBE participation, review NAICS codes provided by LACMTA to ensure that they support the selected portion(s) of work identified by the Bidders/Proposers as subcontractable.

Evidence:
Documents showing all the work that the Bidder/Proposer intends to perform with its own work force and all the work that the Bidder/Proposer has identified for subcontracting/supply should be evidenced on the Selected Work Categories Form. Bidders/Proposers shall provide documentation of efforts to utilize DBE firms that can reasonably be expected to perform the identified subcontractable work items. Include additional comments when selected work categories are not sufficient to meet the goal and provide supporting documentation.

4. INVITATION FOR BID/REQUEST FOR PROPOSAL, SPECIFICATIONS AND INFORMATION  (20 POINTS)
(Complete “Attachment D – Sample Letter of Solicitation” and use “Attachment G – Written Solicitation Submittal Form”)

Effort:
Using Sample Letter of Solicitation (Attachment D), extend written Requests for Bid or Proposal to DBE firms included in the LACMTA DBE certified list. Attach copies of solicitation letters to the “Written Solicitation Submittal Form” (Attachment G). See “Guidelines for Contacts for Various Work Categories” following Evidence #4 in this section. Solicitation letters shall be mailed, emailed or sent no fewer than 21 days prior to the bid/proposal due date. If, due to the schedule established by LACMTA, 21 days are not available, a mailing providing a shorter reasonable period of notice is acceptable.

Evidence:
Bidder/Proposer shall provide interested DBEs with adequate information about the plans, specifications, and requirements in a timely manner to assist them in responding to the solicitation. Bidder/Proposer shall include names, contact persons, addresses, phone numbers, and dates of all DBE firms solicited at least 21 days prior to bid/proposal due date and by what means (certified letters, fax, phone, emails, etc.). Copies of the solicitation letters must be included. Only certified DBE firms will be taken into consideration. Bidders/Proposers notifications shall:

1. Clearly identify portions of the work to be subcontracted, and offer to break down any portion of the work into economically feasible units in order to facilitate DBE participation.
2. Identify if there is a bond requirement for subcontractors for this contract and specify requirements.
3. Offer assistance with regard to bonding requirements and insurance requirements, where applicable, and/or financing (e.g., lines of credit), specifying the type of assistance that the Bidder/Proposer is offering. Assistance may include, but is not limited to the following:

4. Contact bonding and/or insurance companies on behalf of DBEs.
   b. Arrange with sureties incremental or phased bonding for the DBEs. and/or pay for the cost of the bond or insurance
   c. Waive bond or other requirements.
   d. Refer DBEs to Business Development Centers or other resource agencies, which may assist DBEs in obtaining bonding, insurance, or lines of credit.
   e. Offer to make plans and specifications available to DBEs at reasonable hours for viewing, copying, or borrowing and provide a list containing the location of plan rooms.

5. When complying with the guidelines for contacting an adequate number of DBE firms, Bidders/Proposers shall use LACMTA's DBE certified list included in the solicitation. When soliciting DBEs, Bidder/Proposer are required to use the list of DBEs provided by LACMTA's in the Letter of Invitation Supplement included in the referenced IFB/ RFP.

6. As an additional outreach resource, Bidders/Proposers may obtain additional DBE listings from the California Unified Certification Program (CUCP) directory. Bidders/Proposers shall ensure that all DBE firms listed shall be certified under NAICS codes applicable to the scopes of work associated with the project. Additional DBE listings, not included in the solicitation, must be included in the Bidder/Proposers good faith efforts response.

<table>
<thead>
<tr>
<th>Guidelines for Contacts for various Work Categories:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of DBEs Identified</td>
</tr>
<tr>
<td>1 - 50</td>
</tr>
<tr>
<td>51 - 199</td>
</tr>
<tr>
<td>200 or more</td>
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5. SOLICITATION FOLLOW-UP (15 POINTS)

Effort:
Bidder/Proposer shall conduct follow up with the number of DBE, referenced in the “Guidelines for Contacts for Various Work Categories” included in GFE Item #4. Bidders/Proposers shall conduct solicitation follow-up 10 days after the making the initial solicitation letters. Follow-up must be with same firms solicited from the LACMTA DBE certified list.

Bidders/Proposers may obtain additional DBE listings from the California Unified Certification Program (CUCP) directory. Bidder/Proposer shall ensure that all DBE firms listed shall be certified under NAICS codes applicable to the scopes of work associated with the project. Additional DBE listings, not included in the solicitation, must be included in the Bidder/Proposer good faith efforts response.
Bidder/Proposer shall designate someone familiar with the project and capable of answering questions from potential DBE subcontractors and shall be responsible for solicitation follow-up. Additional consideration is given if, 10 days is not available between the mailing of the solicitations and the bid/proposal due date, follow-up will occur within a shorter, but reasonable period. Follow up communication may be conducted orally or in writing. Oral communication must include documentation of follow-up (email, letter or fax) and submitted with Attachment E.

Evidence:
Follow-up must with a minimum of 75% of the required number of DBEs referenced in GFE Item #4. Follow-up activity must be documented in telephone logs or other written documentation which provide, at a minimum, the following information:

1. Type of contact, e.g., telephone call, visit, email, letter.
2. Name and position of person who made contact on behalf of the Bidder/Proposer.
3. Name and address and/or email of firm contacted.
4. Name and position of person contacted, telephone number, and date of contact.
5. Indicate response from the firm contacted with regard to its interest in submitting a sub-bid/proposal.
6. Email return receipts to document successful delivery to DBE subcontractors and, in the case of returned email correspondence, documentation from the mail server that the email was undeliverable.
7. Follow-up, if any, to the assistance offered in the initial solicitation letter with regard to breakdown of work into economically feasible units, bonding, insurance, lines of credit, and plans and specifications.
8. Bidder/Proposer shall provide written justification for decisions to self-perform work using its own workforce.

6. ASSISTANCE IN OBTAINING BONDS AND INSURANCE (5 POINTS)

Effort:
Assist DBE firms in obtaining bonding and insurance. The maximum points given if bonding and insurance is not required.

Evidence:
Includes a description of assistance provided by Bidder/Proposer to DBEs in obtaining bonding and insurance.

7. ATTENDANCE AT PRE-BID/PROPOSAL CONFERENCE (10 POINTS)

Effort:
Attendance at the Pre-Bid/Proposal Conference scheduled by LACMTA. Each Bidder/Proposer is strongly encouraged to attend the pre-bid/proposal meetings to be informed of the DBE requirements for this contract and provides an opportunity for Bidders/Proposers to meet, network and outreach to DBE firms. Regardless of whether an Bidder/Proposer attends the meeting, the Bidder/Proposer assumes responsibility for being informed and complying with DBE and GFE requirements.

Evidence:
Name and date of person(s) attending (verified by conference sign-in sheet).
8. LIST OF SUBCONTRACTORS SUBMITTING BIDS/PROPOSALS (15 POINTS)

(Complete Attachment F – List of All Firms/Solicitation Responses Received)

**Effort:**
When negotiating with subcontractors, Bidders/Proposers shall include DBE subcontractors, take price and capabilities as well as contracts goals into consideration. The Bidder/Proposer shall negotiate in good faith with DBEs and not unjustifiably reject bids/proposals prepared by any DBE. Bidder/Proposer shall not reject DBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities and must demonstrate justification based on a thorough investigation of their capabilities. Another practice considered an insufficient good faith effort is the rejection of the DBE because its quotation for the work was not the lowest received. Please note that nothing in this paragraph shall be constructed to require the bidder/proposer or prime contractor to accept unreasonable quotes to satisfy contract goals. If the reason cited relates to bonding, financing or insurance, or requested further breakdown of the work the Bidder/Proposer must provide documentation describing in detail the assistance offered by the Bidder/Proposer to the DBE.

**Evidence:**
Names, addresses, dates, contact person, phone numbers, and emails of all subcontractors DBE and non-DBE firms who submitted bids/proposals and copies of all bids/proposals including telephone bids/proposals for all work categories identified in GFE item #3. Identify number of total bids, proposal or quotes received for each work category and corresponding number from DBE firms. Indicate reason for your choice of subcontractor(s). Submit written (e.g. emails, letters or faxes) documentation evidencing good faith negotiations between subcontractor and Bidder/Proposer. Only significant price differences (10% or more) between selected subcontractor/supplier, rejected DBE and prime contractors are valid cause for rejecting bids/proposals. Bidders/Proposers must have selected enough subcontracting item to meet the goal.
GOOD FAITH EFFORTS DOCUMENTATION FORMS:

The following GFE attachments must be included in the Bidder's/Proposer's GFE:

ATTACHMENT A - SAMPLE ADVERTISEMENT
ATTACHMENT B - NEWSPAPER ADVERTISEMENT LOG
ATTACHMENT C - SELECTED WORK CATEGORIES FORM
ATTACHMENT D - SAMPLE LETTER OF SOLICITATION
ATTACHMENT E - SOLICITATION FOLLOW-UP LOG
ATTACHMENT F - LIST OF ALL FIRMS/SOLICITATION RESPONSES RECEIVED
ATTACHMENT G - WRITTEN SOLICITATION SUBMITTAL FORM
ATTACHMENT H – BIDDER/PROPOSER NOTARIZED CERTIFICATION OF GOOD FAITH EFFORTS
ATTACHMENT A - SAMPLE ADVERTISEMENT

DBE SUBCONTRACTORS/SUPPLIER BIDS/PROPOSALS REQUESTED

CONTRACT NO. B234
WINDOW INSTALLATION, LOS ANGELES, CA.

BID/PROPOSAL SUBMITTAL DATE: DECEMBER 29, 20xx @ 2:00 PM

OWNER: LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY
(LACMTA)
PERFORMANCE/PAYMENT/SUPPLY BOND MAY BE REQUIRED

THIS ADVERTISEMENT IS IN RESPONSE TO LACMTA'S DBE PROGRAM. LA CORP.
INTENDS TO CONDUCT ITSELF IN "GOOD FAITH" WITH DBE FIRMS REGARDING
PARTICIPATION ON THIS PROJECT. DRAWINGS AND SPECS WILL BE REVIEWED IN OUR
OFFICE MONDAY THROUGH FRIDAY, 8:00 AM TO 5:00 PM. QUOTES ARE REQUIRED BY
COB, DECEMBER 25, 20xx, SO THAT ALL BIDS/PROPOSALS CAN BE FAIRLY EVALUATED.
PLEASE SUBMIT BIDS/PROPOSALS FOR THE FOLLOWING WORK (BUT NOT LIMITED TO):
SIGNS, TRACK CONSTRUCTION, TIMBER TIES, BALLAST, APPURTENANCES, RAIL
WELDING, A.C. PAVING, REINFORCING STEEL, SUPPLY PORTLAND CEMENT, CONCRETE
PUMPING, METAL FABRICATIONS AND ELECTRICAL.

CONTACT: JOE DOE, PROJECT MANAGER - LA CORP.
134 MAYFLOWER AVE  LOS ANGELES, CA  90343
213/555-5555  FAX 213/555-5555
**ATTACHMENT B - NEWSPAPER ADVERTISEMENT LOG**

(Attach copies of ads)

<table>
<thead>
<tr>
<th>Newspaper</th>
<th>Phone No.</th>
<th>Type of Publication Minority/General/Trade</th>
<th>Circulation</th>
<th>Dates of Advertisement</th>
<th>Number of Days Advertised</th>
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<tbody>
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</table>

1. Was Bid/Proposal due dates extended by LACMTA? Yes □ No □
2. If the response to #1 is yes, explain positive and/or negative impact to DBE solicitations.

__________________________________________________________________________________________________
__________________________________________________________________________________________________
__________________________________________________________________________________________________
__________________________________________________________________________________________________
__________________________________________________________________________________________________
__________________________________________________________________________________________________

LACMTA
## ATTACHMENT C - SELECTED WORK CATEGORIES FORM

<table>
<thead>
<tr>
<th>Identify if Bidder/Proposer or Subcontractor</th>
<th>Work Categories</th>
<th>Bidder's/Proposer's Estimated Budget</th>
<th>Percentage of Estimate</th>
<th>Additional Comments*</th>
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<tbody>
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|                                             | $              | %                                   |
|                                             | $              | %                                   |
|                                             | $              | %                                   |
|                                             | $              | %                                   |

### Total

| $                  | %                   |

*Note: Provide additional comment/justification for each work category that does not provide opportunities for DBEs, if the percentage of contracting is not sufficient to meet the established goal; and provide supporting documentation.*
ATTACHMENT D - SAMPLE LETTER OF SOLICITATION

Date

DBE Firm
Address
City, State, Zip

ATTN: Chief Estimator

Project: B234, Trackwork Installation
Owner: Metropolitan Transportation Authority
Bid/Proposal Due Date: December 29, 20xx at 2:00 p.m.

We are bidding/proposing the above project as a prime contractor and would appreciate quotes from DBEs who are currently certified with LACMTA for the following work/services and/or materials:

- Clearing and Grubbing
- Signal & Lighting
- Excavation
- Fencing
- Backfill
- Construction Area Signs
- Landscaping

Plans and specifications are available for inspection at our office or at a local plan room (give name and location of alternate plan rooms, if available). Should you need any assistance in obtaining bonding or insurance, please feel free to call us. DBE firms can also referred to the Small Business Administration (SBA) and/or the Federal Department of Transportation (DOT) Bond Assistance Programs.

We are an Equal Opportunity Employer and, as a matter of policy, encourage the participation of Small Business Enterprises.

All DBE firms must be certified by the bid/proposal due date and must provide our office with a copy of your DBE certification to include with the bid/proposal. Should you have any questions regarding LACMTA’s certification process, contact LACMTA’s certification Hotline at (213) 922-2600.

We will be contacting you by phone regarding this project, but feel free to contact us at (phone number) or by fax (phone number).

Yours truly,

Mr. Jim Mason
Chief Estimator
# ATTACHMENT E - SOLICITATION FOLLOW-UP LOG

NOTE: All Oral communication must include documented (email, fax or letter) follow-up – Attach Evidence.

<table>
<thead>
<tr>
<th>Date and Time</th>
<th>Follow-up Method</th>
<th>Name of DBE Firm</th>
<th>Contact Person</th>
<th>Email and/or Phone No.</th>
<th>DBE Response</th>
<th>Bidding / Proposing Yes/No</th>
<th>Bid/Proposal Submittal Date</th>
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</table>
## ATTACHMENT F - LIST OF ALL FIRMS/SOLICITATION RESPONSES RECEIVED for LACMTA - PROJECT NAME AND NUMBER

<table>
<thead>
<tr>
<th>Subcontractor/Supplier/Broker/Regular Dealer</th>
<th>Address</th>
<th>Email and Phone</th>
<th>Work Category</th>
<th>Amount</th>
<th>Lowest Bidder/Proposer, Will Subcontract</th>
<th>Reasons for Rejecting</th>
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**ATTACHMENT G – WRITTEN SOLICITATION SUBMITTAL FORM**

Please check one:

- [ ] I’ve attached a list of solicitations*
- [ ] Refer to log below

<table>
<thead>
<tr>
<th>Date Sent</th>
<th>Name of DBE Firm</th>
<th>Contact Person</th>
<th>Email and/or Phone Number</th>
<th>Work Category</th>
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<tbody>
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* If attaching list of solicitations, the list must contain same information required on the log.
ATTACHMENT H – BIDDER/PROPOSER NOTARIZED CERTIFICATION OF GOOD FAITH EFFORTS

Date

LACMTA

RE: Bid/Proposal Contract No.
I hereby certify under the penalty of perjury that Bidder/Proposer [insert name of company] has actively and aggressively undertaken comprehensive “good faith” efforts to solicit and utilize DBE firms to meet the DBE participation requirements of this contract, as demonstrated by the documentation submitted in response to our efforts.

By signing below, the Bidder/Proposer hereby affirms that it has made good faith efforts and has documented all such efforts as stated in attached supporting documentation.
I have the authority to make this statement for and on behalf of [company name]. All information provided herein and attached as evidence of our company’s good faith efforts is true, valid and accurate to the best of my knowledge.

Signature: _______________________________________

Title: _______________________________________

Date: _______________________________________

NOTARIZATION: Must be completed by a licensed Notary

County of _______________________ State of _______________________________
Subscribed and sworn before me this __________ day of __________________________

Notary Signature _____________________________________

Notary Address _____________________________________
SECTION 500 - DBE CERTIFICATION

500 CERTIFICATION REQUIREMENTS:

A firm only holding a current DBE certification issued by a certifying agency in the California Unified Certification Program (CUCP) may participate in the LACMTA DBE Program. Firms listed by Bidders/Proposers to meet DBE contract goal(s) must be certified by bid/proposal due date. LACMTA has a responsibility to ensure that eligible DBE firms participate in LACMTA’s contracting. If not, firm’s participation may not be counted toward the Bidder's/Proposer’s DBE commitment. Bidders/Proposers shall ensure DBE firms are certified in the North American Industry Classification System (NAICS) codes for the work in which the DBE firm is listed to perform and for which the Bidder/Proposer seeks DBE credit towards its DBE commitment. Certifications as a LACMTA DBE firm, means the firm met the DBE certification requirements and eligibility standards of the CUCP in accordance with 49 CFR Part 26 –Subpart D Certification Standards as followed by the CUCP. These standards and procedures are described in detail in the Certification Instructions, provided with the Application for Certification. Interested individuals or companies seeking certification will start the process by obtaining a copy of the DBE Application and Instructions.

501 DBE CERTIFICATION ELIGIBILITY:

A. Each applicant for DBE certification must prove to LACMTA's Certification Unit, by a preponderance of the evidence, that the applicant meets the criteria of social and economic disadvantaged, business size, ownership and control.

B. Certifications with respect to economic disadvantage, including signed statements of personal net worth and supporting documentation are required. If an individual's Statement of Personal Net Worth shows that the individual’s personal net worth exceeds $1.32 million the individual's presumption of economic disadvantage is rebutted and the person is not qualified to be a SBE owner.

C. The applicant firm can only be an eligible DBE, if the firm is an existing small business and including its affiliates, has had average gross receipts over the previous three years of less than 23.98 million or as adjusted for inflation by the US Secretary of Transportation.

D. A firm’s ownership by at least 51-percent majority owned by socially and economically disadvantaged individuals and must be real, substantial and continuing, going beyond pro forma ownership of the firm as reflected in merely the ownership documents but possess the power to control the firm’s management and policies.

E. The firm must be independent and not depend on its relationship with another firm or firms to be viable.

502 VERIFY THAT DBE CERTIFICATION IS CURRENT:

Bidders/Proposers shall confirm the DBE certification status of listed DBE firms. To verify status of firms, for additional certification information, questions and to obtain a certification application, Bidders/Proposers or other interested parties may contact the LACMTA Certification Unit via email at CertificationUnit@metro.net and by calling the...
DEOD Hotline at (213) 922-2600. Requests for verification of a firm’s DBE certification status, granted by LACMTA, can also be sent by fax to (213) 922-7660. It is recommended that verification be made within 72 hours of the bid/proposal due date. Bidders/Proposers shall include in its bid/proposal a copy of the DBE certification letter for each DBE firm listed. The letter serves to assist in verifying a firm’s eligibility.

SECTION 600 - CONTRACT COMPLIANCE

600 COMPLIANCE MONITORING:

LACMTA will monitor the Contractor’s compliance with the DBE Program and administrative requirements for this contract as provided in the Contract Compliance Manual Federal incorporated into the executed contract.
TABLE 1 - DBE COMMITMENT FORMS

<table>
<thead>
<tr>
<th>Form No.</th>
<th>Form Name</th>
<th>To Be Completed By</th>
<th>DBE Form Submittals</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Bidder/Proposer</td>
<td>All Subcontractors/Suppliers</td>
</tr>
<tr>
<td>Form 1</td>
<td>Proposed List of Subcontractors &amp; Suppliers</td>
<td>☑️</td>
<td></td>
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<tr>
<td>Form 2</td>
<td>DBE Affidavit</td>
<td>☑️</td>
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<tr>
<td>Form 3</td>
<td>DBE Proposed Lower Tier Subcontractors &amp; Suppliers</td>
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<td>☑️</td>
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<tr>
<td>Form 4</td>
<td>Business Data Sheet (DBE)</td>
<td>☑️</td>
<td>☑️</td>
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<tr>
<td>Form 5</td>
<td>DBE Affirmation (Only if subcontracting with DBE business)</td>
<td>☑️</td>
<td>☑️</td>
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</table>

- The Bidder/Proposer is required to complete and submit DBE Forms 1, 2 and 4. The Bidder/Proposer and each DBE subcontractor are required to complete and submit Form 5.
- All Subcontractors/Suppliers are required to complete and submit Form 3 (if they are subcontracting) and Form 4. Subcontractors and Suppliers are required to complete and submit Form 5 if subcontracting with a DBE business.

NOTE: Bidders/Proposers are required to utilize Race Conscious (RC) DBE firms in the performance of this project. RC DBEs are ethnic groups that have been identified as statistically and significantly underutilized. These groups include: African Americans, Asian Pacific Americans, Native Americans, Hispanic Americans, and Subcontinent Asian Americans. ONLY RC DBEs listed in the Bidder's/Proposer's bid or proposal will be counted towards the contract goal.

LACMTA will achieve its overall DBE goal using race conscious and race neutral measures in accordance with the US Department of Transportation DBE Program Rule 49 Code of Federal Regulations, Part 26. Race Neutral (RN) DBEs include non-minority women.
FORM 1 – PROPOSED LIST OF SUBCONTRACTORS AND SUPPLIERS
TO BE COMPLETED BY BIDDER/PROPOSER

Bidders/Proposers are required to list ALL (DBE and Non-DBE) first-tier subcontractors. Bidders/Proposers are required to utilize Race Conscious (RC) DBE firms in the performance of this project. RC DBEs are ethnic groups that have been identified as statistically and significantly underutilized. These groups include: African Americans, Asian Pacific Americans, Native Americans, Hispanic Americans, and Subcontinent Asian Americans. ONLY RC DBEs listed in the Bidder's/Proposer's bid or proposal will be counted towards the contract goal. LACMTA will achieve a percentage of its overall goal utilizing race neutral measures. Race Neutral (RN) DBEs include non-minority women.

Completion of this form and Form 4 (Business Data Sheet) fulfills the requirements of the California Subletting and Subcontracting Fair Practices Act.

1. Bidder's/Proposer's Name:  
2. Project Name:  
3. Total Bid/Proposal Price:  
4. Bid/Proposal Due Date:  

<table>
<thead>
<tr>
<th>NAME OF BIDDER/PROPOSER AND ALL SUBCONTRACTORS (1ST TIER)</th>
<th>DESCRIPTION OF WORK</th>
<th>SUBCONTRACTORS:</th>
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<td>C = Consultant</td>
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<td>Or Contractor</td>
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<td>M = Manufacturer</td>
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<td>B = Broker</td>
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<tr>
<th>D</th>
<th>BID/PROPOSAL PRICE</th>
<th>BID/PROPOSAL PRICE FOR RC DBE FIRMS (Race Conscious participation)</th>
<th>BID/PROPOSAL PRICE FOR OTHER DBE FIRMS (Race Neutral Participation)</th>
<th>TOTAL DBE BID/PROPOSAL PRICE (COL # E + F)</th>
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Bidder/Proposer  
1. Prime's $ Amount with its own workforce $ $ $  
2.  
3.  
4.  
5.  
6.  
7.  
8.  
9. TOTAL BID/PROPOSAL PRICE (Should equal Line #3 above) $ $ $ 

*If a RC DBE or RN DBE firm listed in column D and E are regular dealers, enter 60% of the bid/proposal price in column G. If a RC DBE or RN DBE firms listed in column D and E are brokers, enter the total amount of the fees and/or commissions charges in column G. If a DBE business is listed to provide materials/supplies, only sixty-percent (60%) of the cost for materials/supplies will be counted toward the DBE.
FORM 2 – DBE AFFIDAVIT
TO BE COMPLETED BY BIDDER/PROPOSER ONLY

PART A: DBE GOAL DECLARATION

☐ RC DBE GOAL ACHIEVED

The Bidder/Proposer declares to the best of its knowledge, information and belief that by its efforts, it
ACHIEVED a level of participation greater than or equal to the goal established for RC DBE
participation.

The level achieved is ______________________ percent (_____ %)

☐ RC DBE GOAL NOT ACHIEVED

The Bidder/Proposer declares to the best of its knowledge, information and belief that while it made
efforts to achieve the RC DBE participation goal, it DID NOT ACHIEVE a level of RC DBE
participation greater than or equal to the goal established for RC DBE participation.

The level achieved is ______________________ percent (_____ %)

While the Bidder/Proposer did exert efforts to achieve the goal, it was not successful. The
Bidder/Proposer certifies that, if requested, evidence of good faith efforts (GFE) will be submitted
within forty-eight (48) hours of LACMTA’s written request.

DO NOT INCLUDE EVIDENCE OF GOOD FAITH EFFORTS WITH BIDS/PROPOSALS

PART B: SIGNATURE

Executed on ____________________________, 20______, at, ____________________________, ____________
Date City State

Business Name: _____________________________________________________________________

Authorized Signature:_________________________________________________________________

Printed Name: ______________________________________________________________________

Title: ______________________________________________________________________________

E-mail: ____________________________________________________________________________

Phone: ____________________________________________________________________________
FORM 3 - DBE PROPOSED LOWER TIER SUBCONTRACTORS & SUPPLIERS
TO BE COMPLETED BY ALL SUBCONTRACTORS

Project Name: _______________________________________________________ IFB/RFP #:__________________________________________________________

All subcontractors listed on Form 1 that are subcontracting work are requested to list ALL (DBE and Non-DBE) lower tier subcontractors. Bidders/Proposers are required to utilize Race Conscious (RC) DBE firms in the performance of this project. RC DBEs are ethnic groups that have been identified as statistically and significantly underutilized. These groups include: African Americans, Asian Pacific Americans, Native Americans, Hispanic Americans, and Subcontinent Asian Americans. ONLY RC DBEs listed in the Bidder's/Proposer's bid or proposal will be counted towards the contract goal. LACMTA will achieve a percentage of its overall goal utilizing race neutral measures. Race Neutral (RN) DBEs include non-minority women.

Completion of this form and Form 4 (Business Data Sheet) fulfills the requirements of the California Subletting and Subcontracting Fair Practices Act.

1. Subcontractor (Sub.):
2. Prime’s Name:
3. Total Bid/Proposal Price:

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<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
<th>F</th>
<th>G</th>
</tr>
</thead>
<tbody>
<tr>
<td>NAME OF SUBCONTRACTOR AND ALL LOWER TIER SUBCONTRACTORS</td>
<td>DESCRIPTION OF WORK</td>
<td>SUBCONTRACTORS: C = Consultant Or Contractor S = Supplier M = Manufacturer B = Broker T = Trucker</td>
<td>BID/PROPOSAL PRICE</td>
<td>BID/PROPOSAL PRICE FOR RC DBE FIRMS (Race Conscious participation)</td>
<td>BID/PROPOSAL PRICE FOR RN DBE FIRMS (Race Neutral Participation)</td>
<td>TOTAL DBE BID/PROPOSAL PRICE (COL # E + F)</td>
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<td>Subs</td>
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9. TOTAL BID/PROPOSAL PRICE (Should equal Line #3 above): $

If a RC DBE or RN DBE firm listed in column D and E are regular dealers, enter 60% of the bid/proposal price in column G. If a RC DBE or RN DBE firm listed in column D and E are brokers, enter the total amount of the fees and or commissions charges in column G. If a DBE business is listed to provide materials/supplies, only sixty-percent (60%) of the cost for materials/supplies will be counted toward the DBE.


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LACMTA

DBE INSTR TO BIDDERS/PROPOSERS (FEDERAL)
PRO FORM 068
REVISION DATE: 04.20.15
FORM 4 - BUSINESS DATA SHEET (DBE)

TO BE COMPLETED BY BIDDERS/PROPOSERS AND ALL SUBCONTRACTORS LISTED ON FORM 1 AND FORM 3

Completion of this form, Form 1, and Form 3 fulfills the requirements of the California Subletting & Subcontracting Fair Practices Act.

**PART A: BUSINESS DATA**

1. **Business Name:** ____________________________________________________________

2. **Business Address:**

   Street   City   State   Zip

3. **Mailing Address:**

   (If different from above)

   PO. Box or Street Address   City   State   Zip

4. **County (and State) Business is located in:** _____________________________________ (_______)

5. **Name of Owner:** __________________________________________________________

6. **Owner(s) Ethnicity:** _______________________________________________________

7. **Phone:** ( ) ___________ - _________________

8. **Fax:** ( ) ___________ - _________________

9. **Email Address:** __________________________________________________________

10. **Age of Business:** ________ Years ________ Months

11. If your business requires a license, complete below:

   a. **License Type** ____________________________
      a. ☐ Less than $500,000
      b. ☐ $500,000 to $1,000,000
      c. ☐ $1,000,000 to $2,000,000
      d. ☐ $2,000,000 to $5,000,000
      e. ☐ Over $5,000,000

12. **Business Annual Gross Receipts:**

   a. **License #** ____________________________
      b. **Expires on** ____________________________

**PART B: DBE CERTIFICATION STATUS**

13. Is your business currently a **DBE**?

   Yes ☐ No ☐

   If “YES,” attach a copy of your DBE Certification Letter and check all appropriate boxes below:

   a. Certified by the California Unified Certification Program (CUCP)?
      ☐ DBE ☐ Non-DBE
   b. Certified by an organization outside of California?
      ☐ DBE ☐ Non-DBE
   c. Name of Certifying Agency: ________________________________________________

14. Is your business currently participating in a Joint Venture?

   If “YES,” a copy of the Joint Venture Agreement must be attached to this Form.
   Yes ☐ No ☐

15. Name of Joint Venture and Partners. Is this business currently a certified DBE?

   a. **Business Name** ____________________________
      Name of Certifying Agency ____________________________
      ☐ DBE ☐ Non-DBE
   b. **Business Name** ____________________________
      Name of Certifying Agency ____________________________
      ☐ DBE ☐ Non-DBE
   c. **Business Name** ____________________________
      Name of Certifying Agency ____________________________
      ☐ DBE ☐ Non-DBE

**DBEs must attach a copy of current certification.**
PART C: WORK DESCRIPTIONS

16. RFIQ, IFB, or RFP #: ________________________________________________

17. Provide complete description of scope of work, services, and materials to be performed or furnished¹:

_____________________________________________________________________

_____________________________________________________________________

_____________________________________________________________________

NAICS: ___________________________________________________________________

18. Will your business provide trucking company services on this project?
Please mark one: Yes ☐ No ☐

If marked YES, please complete items a. to c. below. If answered NO, answer “Not Applicable.”

a. How many trucks does your company own? ________________
b. How many trucks does your company lease? ________________
c. How many trucks are registered to your company? ________________

PART D: SIGNATURE

The authorized signer declares that the information on this form and any attachments, are current, complete and accurate.

Business Name: ______________________________________________________

Authorized Signature: ________________________________________________

Signature of Director, Officer, General Partner or similarly situated Principal of the Business

Printed Name: ______________________________________________________

Title: ________________________________________________________________

Date: ________________________________________________________________

¹The NAICS web site http://www.bls.gov/bls/NAICS.htm
FORM 5 - DBE AFFIRMATION
TO BE COMPLETED BY BIDDER/PROPOSER AND AFFIRMED BY DBE SUBCONTRACTORS

Bidder/Proposer and DBE subcontractors, at any tier level, are required to complete this form and affirm that DBEs subcontractors will be utilized consistent with the level of participation referenced on the Form 1 (Proposed List of Subcontractors & Suppliers) and Form 3 (DBE Proposed Lower Tier Subcontractors & Suppliers). Bidder/Proposer and DBE subcontractors must sign this form attesting to the accuracy of the information provided.

1. RFP/IFB Number: ____________________________________________________________

2. Project Name: ______________________________________________________________

3. Name of the Prime: __________________________________________________________

4. Business Address: ___________________________________________________________
   Street City State Zip

5. Name of Proposed DBE Business: ______________________________________________

6. Business Address: ___________________________________________________________
   Street City State Zip

7. Total DBE Dollars Committed: $____________________
   (Amount should match $ Amount listed for this business on Form 1 or Form 3)

8. Identify the scope of work to be performed by DBE subcontractor and provide applicable Northern America Industry Classification System (NAICS) code(s):  [http://www.census.gov/eos/www/naics/]

   NAICS: ___________________________________________________________________

Affirmation:
Signatures of the authorized representatives of the Bidder/Proposer and the DBE business below, represents the commitment by both parties. A formal subcontract agreement between the Bidder/Proposer and the DBE subcontractor shall include the scope(s) of work and monetary commitment referenced above. DBE commitments in this document shall be a condition of contract award.

Name of Business ________________________________________________________________

Authorized Signature of Business 1 ____________________________________________________

Typed or Printed Name of Signee __________________________________________________

Title of Signee _________________________________________________________________

Telephone _________________________________________________________________

Email _________________________________________________________________

Date _________________________________________________________________

Name of DBE Business ________________________________________________________________

Authorized Signature of DBE Business ________________________________________________

Typed or Printed Name of Signee __________________________________________________

Title of Signee _________________________________________________________________

Telephone _________________________________________________________________

Email _________________________________________________________________

Date _________________________________________________________________

1  Signature of the Contractor to which the DBE business will report to directly